HOUSE OF REPRESENTATIVES—*Friday, October 9, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 9, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

How can we see mountains when our eyes are so low, how can we do good deeds when our hands are so slow? How can we love when we are selfish or vain and how can we serve if we live with disdain? O gracious God from whom all blessings flow, cause us to lift our eyes to the heavens from which all of our gifts do come, teach us to use our hands to do the good works of charity and justice and enable us to love and show concern for the neediest among us. May the faith we believe in our hearts find expression in our words and may our words be translated into good deeds from our hands. Praise be to You, O God, Ruler of the universe! Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

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. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4293. An act to establish a cultural training program for disadvantaged individuals to assist the Irish peace process.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2616. An act to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 3809. An act to authorize appropriations for the United States Customs Service for drug interdiction, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1702) "An Act to encourage the development of a commercial space industry in the United States, and for other purposes.".

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 361. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger, and to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, and for other purposes.

S. 1970. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 2217. An act to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2238. An act to reform unfair and anticompetitive practices in the professional boxing industry.

S. 2358. An act to provide for the establishment of a presumption of service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2427. An act 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.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2022) "An Act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.".

NOTICE

Effective January 1, 1999, the subscription price of the Congressional Record will be $325 per year, or $165 for 6 months. Individual issues may be purchased for $2.75 per copy. The cost for the microfiche edition will remain $141 per year; single copies will remain $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

EDWARDSVILLE AMERICAN LEGION POST WINS AMERICAN LEGION WORLD SERIES IN LAS VEGAS

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

Mr. SHIMKUS. Madam Speaker, on August 25 Edwardsville American Legion Post 199 not only went into the history books by winning the American Legion World Series in Las Vegas, but they beat the 5,300 to 1 odds which were against them. During their remarkable run to the first national championship,

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Post 199 finished with a season record of 41 and 7 and won their regional state championships as well.

After getting off to a solid start in the first inning, they briefly fell behind in the second inning. However, their character as a team pulled through. They rallied behind the pitching tandem of brothers James and Ben Hutton to begin a comeback in the fifth inning and to take the lead in the sixth inning.

A pair of convincing runs in the ninth inning sealed their 9 to 4 victory, giving their coach and Edwardsville their first national championship.

After the game, pitcher James Hutton said, "The whole team responded tonight. This is a team win, and it will always be a team win. The pitcher gets more of the glory, but I don't deserve more than anyone else on the team."

Congratulations to Edwardsville.

AMERICAN TAXPAYERS SUBSIDIZING FOREIGN ECONOMIES WHILE THEY DENY AMERICAN PRODUCTS

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

Mr. TRAFICANT. Madam Speaker, let us see if this makes some sense:

Foreign banks all over the world make bad loans knowingly to prop up their falling economies hoping against hope to salvage their systems. Then their businesses go belly up. They default on their loans, the banks fail, and then the foreign banks dial 911 to Uncle Sam for more money. The International Monetary Fund then calls Uncle Sam and says:

"If you don't make these countries and these foreign banks any more loans, they won't buy your products."

Beam me up, Mr. Speaker. When American taxpayers are subsidizing foreign economies and they are denying American products, we need a proctologist to give us some counseling.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Madam Speaker, 12 years and nearly $6 billion after passage of the Safe and Drug Free Schools and Communities Act, many schools are neither drug-free nor safe.

Using this drug prevention money, one Michigan school district gained $81,000 worth of giant plastic teeth and toothbrushes. Police in Hammond, Louisiana, have a squad car. It is a 3-foot, remote-control replica that cost $6,500. And Virginia Beach, Virginia, has extra lifeguards with this drug money.

Students in Richmond, Virginia, are enjoying the social benefits of a $16,000 drug-free party guide. It includes tips on Jello wrestling and holding pageants where guys dress up in women's wear. Los Angeles schools have a new van for transporting sports equipment and have given away $16,000 in tickets to Disneyland and Dodger Stadium to students who have pledged to listen to their parents.

These examples are only the tip of the iceberg. I guess it should not surprise us that the White House wants $605 million more for this program.

Good idea, bad implementation. The Department of Education gets my porker of the week award.

REPUBLICANS WANT TO AVOID A GOVERNMENT SHUTDOWN

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

Mr. BALLENGER. Madam Speaker, already rumors are running wild in Washington that the President wants a government shutdown, a shutdown that he can then blame on the Republicans. This is considered a terrible breach of faith among Republicans because Republican leaders in Congress have been working since the spring to avoid a government shutdown. There is no need for a shutdown, for even if an agreement cannot be reached before the current spending bills run out, Republicans are ready to sign on to another temporary spending bill to allow the government to continue without interruption while we work out the remaining differences.

Republicans have been bending over backwards to avoid what we know some here in the administration are recommending. The disruption, the heartache, the uncertainty that government shutdown has introduced into peoples' lives are not necessary, and the Republicans have no desire to provoke a confrontation with the President.

Let us continue to work together to pass the remaining spending bills and avoid a government shutdown.

HAVE THEY NO SHAME?

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

Mr. PITTS. Madam Speaker, it is fascinating to watch the spin, the sheer audacity of those who defend the wrongdoing of liberals, whatever the cost. It has gone from "it didn't happen" to "it doesn't matter" to "everyone does it" to "I'm so sorry."

The reputations which have been trashed I guess we should just forget. The thousands and thousands of dollars in lawyers fees that innocent bystanders had to fork out, well, I guess that is their problem. The millions of dollars in court costs that the legal system has had to needlessly endure I suppose is no longer relevant.

Should we pretend that the rule of law is not important? Should we pretend that defendants in a sexual harassment case are not entitled to a fair trial? After all, lying about related misconduct is a private affair. Should we pretend that honor and integrity are not important?

Madam Speaker, the astonishing thing is that not one Cabinet member or one White House staffer has resigned because of this whole sordid mess. Have they no shame?

FORSTMANN-WALTON TEAM CREATING THE FUTURE OF AMERICAN EDUCATION

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

Mr. SHAW. Madam Speaker, two businessmen, Ted Forstmann and John Walton, are, in my opinion, American heroes, and here is why.

American public schools are in crisis. The crisis is starkly illustrated by the results of the Third International Mathematics and Science Study which found that only Cyprus and South Africa have 12th graders who knew significantly less about math and science than United States students. The major cause of poor United States performance is that our public schools have a near monopoly on education and secondary education, stifling student's academic development. To counter this dilemma, Americans across this Nation are seeking much greater freedom of school choice.

And here is where Forstmann and Walton come in. Last year, through the Washington Scholarship Fund, they awarded over 1,000 scholarships to poor children in Washington, D.C., but they had requests for 7,500. In response to this great demand, the amazing Forstmann/Walton team has pledged $100 million of their own money and plan to raise an additional $100 million to provide around 35,000 scholarships to help poor children attend schools of their choice all across this country.

Mr. Forstmann and Mr. Walton are creating the future of American education. When at last our public schools have to compete for students, they will be remembered as two of our greatest, and most generous, education reformers.

SETTING THE RECORD STRAIGHT

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

Mr. NADLER. Madam Speaker, I saw the news this morning that 400 and some odd Members of the House yesterday voted for an inquiry into impeachment of the President, including all of

those of us who voted for the Democratic amendment to the Hyde resolution. That is simply not true. Many people who voted for the Hyde resolution voted for it, many people who voted for the Democratic amendment voted for it because they wanted an inquiry, but they thought the Republican Hyde resolution was a formula for an open-ended, politicized fishing expedition, and at least this would make it fairer. So they voted for the Democratic amendment, and then, when it failed, they voted against the Hyde resolution.

Some of us, however, thought and think there is no impeachable offense described in the Starr Report. Even if you assume the President did everything it alleges he did, there is no impeachable offense. He should be punished in some other way for things he did that are not good things to do, but there was no impeachable offense.

We voted for the Democratic amendment as an amendment to make a bad bill, a bad resolution, a better bill, but, had the amendment passed, we still would have voted against the bill because, although it would have mitigated the damages in the bill, it made it much damaging to the country, it was still calling for an unnecessary inquiry. So one has to ask each Member who voted for the Democratic amendment which position he took, but one cannot say they all voted for an inquiry.

I thought the record should be set straight.

SENIOR CITIZENS IN CARSON CITY LOSE A DEAR FRIEND, BRUCE COTTAM

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

Mr. GIBBONS. Madam Speaker, the State of Nevada and the Senior Citizens Center in Carson City lost a dear and loyal friend yesterday.

Before his death yesterday, Bruce Cottam served over 4,000 volunteer hours, doing everything from building maintenance to modification projects. As a 6-year member of the Advisory Counsel for the Senior Center, Bruce served on the Finance Committee and was Chairman of the Building Committee. Most recently, he played an instrumental role in developing the plans and construction model for an expansion project of the Senior Center which will be constructed this spring. His dedication to seniors of this community can serve as an example to each of us here in Congress.

Bruce worked diligently, knowing that his volunteer hours would help save the Senior Center from facing enormous cost with a limited budget. He did all this hard work day in and day out, without ever recounting his own efforts. Each and every day Bruce would show up with a smile and friendly greeting, searching for the next project to be done.

Although Bruce lost his life yesterday, his legacy in the State of Nevada will live on, as will his commitment to the seniors and staff of the Carson City Senior Center.

THE PRESIDENT IS MISLEADING US

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

Mr. SAM JOHNSON of Texas. Madam Speaker, do you remember the quote? The President said,

> I am not against tax cuts, but I am against using the surplus for tax cuts or spending programs until we save Social Security.

That is the President's quote.

Well, the President cannot have it both ways. How do my colleagues think he plans to pay for the $25 billion in new spending that he is demanding from us? He is holding this Congress hostage for $25 billion of our hard-earned dollars. Right out of the surplus and Social Security, of course. This is the same surplus he claims he wants to protect and save for Social Security.

Do not be fooled, America. The President is misleading us. He is spending the surplus. He is not saving every penny for Social Security. He is using it to grow the government instead of growing our family's bank account where the surplus ought to be.

PATIENTS BEFORE PROFITS

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

Ms. DELAURO. Madam Speaker, for 10 months the American public has been very clear in asking for one particular piece of legislation from this Congress, managed care reform. It has been very clear in defining what it wants from a Patients Bill of Rights, it is just common sense: the ability to choose your own doctor, guaranteed access to emergency rooms, guaranteed access to specialty care, a ban on all gag rules that limit doctors from offering treatment options and the right to hold HMOs accountable for their decisions.

□ 0915

Yet during this Congress the Republican leadership stalled, dallied, and in the end, passed a sham bill that did not do any of the things that the public wanted.

We have 4 days left in this session to pass meaningful managed care reform. The cost of delay is serious. In the past week, 200,000 Medicare recipients have been dropped by their HMOs. This is wrong. It must be addressed before more people are put in jeopardy.

Madam Speaker, we need to put patients before profits. The doctor's office must be a place for medical decisions, not business decisions. We owe it to the American people to pass meaningful HMO reform and do it now.

MANAGED HEALTH CARE REFORM

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

Mr. DOGGETT. Madam Speaker, the focus of this House has been almost entirely on what the President did wrong and next to none on how Americans across this country have themselves been wronged in a variety of ways.

One of those that I hear the most from Texas concerns the whole problem of health care and access to health care, the fact that too many people find themselves subject to health care providers who are gagged, they do not have a choice with regard to their health plan, that they are being harmed in some cases by the decisions that a clerk someplace, not a health care professional, not themselves, but a clerk somewhere who might get a bonus by denying them health care makes.

I would say that, in the waning days of this Congress, which has done so little to right the wrongs of the American people, that the President ought to say to the Congress, you cannot go home until you right the wrongs that have been done to the American people with reference to health care.

Let us see some meaningful reform of the way these managed care organizations work, the way they interfere in the doctor-patient relationship. Let us see something done to help the problems that the ordinary American family faces. Let us not go home until the job is completed. I hope the President will speak out on this issue.

CONFERENCE REPORT ON H.R. 3150, BANKRUPTCY REFORM ACT of 1998

Mr. LINDER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 586

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Mr. LINDER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman

from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 586 is a typical rule for conference reports and will permit House consideration of H.R. 3150, the Bankruptcy Reform Act of 1998, a bill that is designed to improve bankruptcy practices and restore personal responsibility and integrity to the bankruptcy process.

H. Res. 56 waives all points of order against the conference report and against its consideration. The resolution also provides that the conference report will be considered as read.

The rules of the House provide for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary. In addition, House rules provide for one motion to recommit with or without instructions, as is the right of the minority.

Madam Speaker, the statistics of U.S. bankruptcy filings are frightening. Bankruptcies have increased more than 400 percent since 1980, and we expect over 1.4 million bankruptcies in 1998. In the past, it was possible to blame many bankruptcies on a recession or a poor economic situation. Today, however, we face record numbers of bankruptcy filings at a time of economic growth and low unemployment.

If we take these factors into account, we can realistically come to only one conclusion, bankruptcy of convenience has provided a loophole for those who are financially able to pay their debts, but simply have found a way to avoid personal responsibility and escape their financial responsibilities.

Since the beginning of the 104th Congress in January of 1995, we have worked to advance the values of personal responsibility. In the welfare bill, we thought that helping the poor escape the welfare trap, restoring the dignity of work, and reviving the individual responsibility would help people rise from generation after generation of despair. We were, of course, attacked as heartless and cruel.

Today we know that people are relishing personal responsibility and are moving from welfare to work in record numbers. In fact, in early 1996, simply the prospect of the passage of a welfare reform bill resulted in people moving from welfare to work.

This bankruptcy bill is the Congress' next step in cultivating personal responsibility on accountability. I expect we will hear more hollow charges that we are being heartless and cruel. Nonetheless, the abusers of bankruptcy laws need to receive a message that Federal bankruptcy laws are not a haven of personal fiscal irresponsibility.

If a debtor has the ability to pay the debts that have been accumulated, then they must be held accountable. We believe strongly that individual responsibility is a fundamental norm that Americans should accept.

For the average American who believes that these bankruptcies of convenience do not affect them, we should note that the abusers of the bankruptcy laws are punishing responsible consumers through increased prices and higher credit card fees.

We have to ask ourselves whether the American laborer who works 9:00 to 5:00, or longer, and pays his or her bills on time should have to pay the penalty for those who abuse our current bankruptcy laws. The answer is no.

We know that many people reach the point where they cannot dig themselves out of the financial hole they are in. We know layoffs can hit families at any time. We know that an unexpected medical emergency can undermine the best laid plans. Under this bill, effective and compassionate bankruptcy relief will continue to be available for Americans who need it.

What we cannot condone, however, are those who file for bankruptcy relief under Chapter 7 and have the capacity to pay at least some of their debts. In order to ensure that those who can pay actually do pay, this legislation set in motion a needs-based mechanism.

If the debtor has the ability to pay, the case would be dismissed by the bankruptcy court or guided toward the more appropriate Chapter 13 where they can repay all or some of the debt.

The gentleman from Pennsylvania (Mr. GEKAS), the bill's author, informed us in the Committee on Rules last evening that the conference report adopts the Senate's provisions for a post bankruptcy petition judicial review and includes the House standard for determining the debtor's ability to repay debts.

It is important to note that this bill is not simply about stopping the abuses in the system. It is also about protecting consumers and providing help for those who have found themselves in financial straits.

H.R. 3150 guarantees consumer credit counseling and personal financial management education before being discharged from bankruptcy. It cracks down on misleading credit advertisements and contains consumer disclosure requirements.

H.R. 3150 also recognizes that American farmers face unique challenges, and the conference report ensures that bankruptcy laws protect farmers from the cyclical risks encountered in the agriculture sector.

I am also pleased that H.R. 3150 ensures the priority treatment accorded to child support claims, and in fact improves current law by raising child support and alimony payments to first priority. These are important protections that are supported by the National Association of Attorneys General and by child support agencies across the Nation. This bill also gives priority to the payment of judgments against drunk drivers and drug users.

Madam Speaker, in conclusion, I admit that I am disappointed that, in the face of a bankruptcy crisis that threatens to undermine our economy, I have heard that the President has vowed to veto this common sense legislation. Congress has done its legislative duty in crafting a bill that ensures the debtor's right to a fresh start and protects the system from flagrant abuses from those who can pay their bills.

We have an opportunity to equalize the needs of the debtor and the rights of the creditor, and I hope the President will not follow through on his veto threat.

Madam Speaker, I urge my colleagues to support this rule so we can pass this important legislation and send it to the President for his signature as soon as possible.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for Georgia (Mr. LINDER) for yielding me the customary 30 minutes.

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

Madam Speaker, I rise in strong opposition to this rule. I oppose the hasty process the rule embraces. I oppose the damage to America's children that the rule does not allow us to challenge. I oppose the fact that the minority party was shut out of the process.

Last year, more than a million American families went through bankruptcy, leaving millions of creditors without full payment for their goods and services. Is the record number of bankruptcies a serious problem? Absolutely. Is this conference report a real answer to that problem? Absolutely not.

This rule waives clause 2(d)(6) of rule XXVIII that requires the availability of conference reports 3 days before their consideration. The House rule allows Members time to read and study the report before they cast their votes. Since this conference report has been available to most Members for less than 24 hours, I have grave doubts that most Members have any real knowledge of what it includes.

The rule also waives House rules that will ensure that the conferees stayed within the framework of the bills passed by each chamber, an obviously important rule. But under this rule, the conferees had carte blanche and rewrote a new bill. Unfortunately, they used the freedom to craft a creditor-slanted bill and gut consumer protections against predatory practices.

Despite a more than 200-year-old tradition of carefully weighing creditors' rights against a new start for the debtor, this rewrite of the bankruptcy code

has been rushed and partisan. The Committee on the Judiciary's markup was so rushed that germane amendments offered by committee members were not even considered. In June, the House considered the bill under the rule that allowed fewer than one-third of the amendments that Members wanted to offer.

Now we learn that the conference committee, the minority, and some Members of the majority were left out of the process. In the one public meeting of the conference, no substantive discussion or proposals were even allowed.

So today, after this closed process, what do we know about the provisions of the conference report, legislation that will affect the lives of millions of families filing for bankruptcy and millions of creditors, many of them small businesses needing relief? We know that this legislation does nothing to address a major cause of bankruptcy, the profligate lending of irresponsible creditors.

Madam Speaker, I submit that every American gets three or four applications for credit cards a week regardless of their credit standing. But we did not address that.

We know that the conference report ignores the votes of a majority of both the House and the Senate that credit card companies should not be able to charge extra fees to those customers who use their credit cards responsibly. Indeed, if we pay all of our credit card bill, they will drop us as a customer.

We know the conference report does virtually nothing to address the problems of the enormous variations in State laws regarding the treatments of personal residences. We know that the conference report has not remedied a major fault to the House-passed bill; the devastating impact on the legislation will have on 125,000 children owed child support from a parent who declared bankruptcy.

Just 4 years ago, I introduced the Spousal Equity in Bankruptcy Amendments. So, Madam Speaker, that provision was my own. I feel pretty seriously about that. But it gave priority to child and spousal support payments and bankruptcy proceedings. That legislation became law as part of the Bankruptcy Reform Act of 1994. Thanks to those amendments and other enforcement reforms, child support collections have increased by 68 percent since 1992. This conference report will reverse that progress.

By making large amounts of unsecured consumer dealt non-dischargeable in bankruptcy, this legislation would place money owed on credit card at the same level as alimony and child support obligations. Under this bill, after a debtor goes through bankruptcy proceedings, he or she will still have credit card and other types of consumer debt left to pay. Those debts will compete with child support and alimony for the limited resources of the post bankruptcy debtor.

While proponents of this legislation claim that they have repaired the damage the bill does to child support and alimony, those repairs are only cosmetic.

□ 0930

They ignore the reality that when aggressive credit card collection agencies are calling, it will be easier for the debtor to pay them rather than the former spouse or the powerless child.

For these and other reasons, the legislation continues to be opposed by consumer groups. One of the original Senate sponsors has promised a filibuster in the Senate and the administration will veto the bill if it is sent to the President in its current form.

While I support efforts to truly reform our bankruptcy laws, this conference report is severely lacking, and we can and should do better.

Madam Speaker, I urge my colleagues to oppose this rule and this unfair bill.

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

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, this special interest legislation should not even be considered by the House today. It is being brought forward at the eleventh hour from a secret, closed-door conference for which the House minority was virtually excluded.

This secret, rushed and closed conference report was written by and for the special interests, perhaps best symbolizing everything that has gone wrong in this 105th Congress. The majority has ignored the needs of the American people in favor of the special interests, acting with recklessness and haste. That is what has happened for the last 2 years, and perhaps it is fitting that the majority chooses to finish this Congress with this bill true to form.

There was exactly one meeting of the staff of all of the conferees of the House and the Senate. There was only one pro forma meeting of the conferees. Members were not given the opportunity to deal or even to make any motions dealing with any of the substantive issues at that meeting. And then there was never another meeting of the conferees and there was never another meeting of the conferees' staff.

The House minority was resolutely excluded from whatever meetings did occur. In the final stages of the conference, it was strictly a majority event.

The extent to which this conference has failed even to pay lip service to including the minority in the discussions is staggering and reflects an unprecedented arrogance and contempt for the views of the minority and of the Americans whom we represent.

This legislation has been written by and for the big banks, the credit card industry, and other special interest groups. Its sole purpose, everything else being window-dressing, is to take large amounts of money from middle income and low-income people in a time of distress of personal bankruptcy and give it to the big banks and the credit card companies. Everything else is window-dressing.

All provisions which protected consumers from predatory practices have been either dropped or gutted. Any provisions which held wealthy debtors of big corporations accountable for their actions have been either dropped or gutted.

For example, the conference report includes a provision which would make judgments from the drunken operation of a watercraft nondischargeable in bankruptcy. Legislation of this type has already passed the House and I was proud to support it.

Curiously, however, an amendment accepted by the House Committee on the Judiciary on a voice vote which would hold tobacco companies accountable for the debt and injury they have caused with their product and for the death and injury they have caused by misleading the American people about the dangers of smoking, that was dropped early in the conference. Thanks to that change, the big tobacco companies, if sued successfully, will be able to evade responsibility for their wrongdoing, if that is proven in court, but they will still evade responsibility by filing for bankruptcy protection.

Another provision which was gutted in conference was one which the majority in this House, including 100 members of the majority party and the distinguished Chairman of the Committee on the Judiciary, supported on a motion to instruct conferees. Section 405 of the Senate bill which would prohibit a credit card company from discriminating against the most responsible borrowers, those who pay their bills in full every month.

Now, we have heard, and I am sure there will be more rhetoric from the Republican side of the aisle, talking about how people have to be responsible, how debtors have to be responsible, how they are escaping in bankruptcy, how we are going to curb the abuses of the dead-beat debtors. But here we are permitting the banks to punish debtors for being responsible. If one pays their bills on time, that is terrible. We are going to punish you by discriminatory fees or by cancelling your credit card. The conferees would allow credit card companies to cancel these cards in a discriminatory manner

at the end of the term and entirely delete the prohibition against discriminatory fees for those who have the nerve to pay their bills in full and on time since the credit card companies do not get the interest fees, they only get the activity fees.

This bill still threatens parents attempting to collect child support, and crime victims seeking compensation from their victimizers, favoring banks and big government in collection of limited assets. This problem has not been fixed, despite the careful placement of several transparent fig leaves.

While the majority fiddles, out there American communities are suffering from inaction in those aspects of the bankruptcy legislative agenda which would offer real relief. Chapter 12, which protects family farmers in crisis, lapsed on September 30. Although we have been urging for more than a year that this noncontroversial legislation be moved through this House independently, that has not happened. Now we are in the middle of a farm crisis, there is no chapter 12 protection, the farm belt is in crisis, and still the Majority has not acted. America's family farmers are being held hostage to the agenda of the big banks and the special interests. If chapter 12 is going to be renewed, it will be done only in this bill to try to get the agenda of the big banks. And we know that the President has threatened, has promised us he will veto this bill, so chapter 12 is being made veto bait in the hope that maybe it could help save the profits of the big banks.

Similarly, our bankruptcy courts have needed additional judges for years. We moved a freestanding bill in the House last year, but nothing has happened. Congress could well leave town with that job undone for yet another Congress, causing more delays in cases at great cost to all parties in these cases. We could enact the UNCITRAL Model Law on Cross Border Insolvencies on which there is general agreement and which might just come in handy now that there is a global economic crisis, but that has not happened. We could have taken these noncontroversial steps to modernize the code and stabilize the financial markets, but that entire agenda is being held hostage because we must serve the interests of the big banks.

Madam Speaker, this is a flawed bill that will destroy families and small businesses and make it harder for small creditors, including custodial parents seeking child support payments from debtors, to collect what is their due. It still retains the unworkable, one-size-fits-all means test which bankruptcy judges, trustees, practitioners, academics and the nation's leading experts have told us time and again will not work. It fails to balance the responsibilities of debtors with basic requirements that creditors conduct their businesses in an honest and fair manner. It also lets wealthy debtors avoid their responsibilities by preserving loopholes, like unlimited homestead exemptions, for the very rich.

Now we are going to vote on this special interest legislation handed out in secret and behind closed doors. This rule even waives the 3-day layover rule, even though we only received a hard copy of this 300 page bill Wednesday night and the electronic version was not available to Members and the public until yesterday. The legislative language runs 301 pages dealing with some of the most controversial and complex issues of bankruptcy law. I realize we are late in the session, but that is no reason to act with this kind of haste and ignorance. I urge my colleagues to vote "no" on this rule and maybe we will redo this bill and get a less obnoxious product.

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

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentlewoman from New York for her work, and I thank very much the ranking member for his work.

I had hoped that we would have had a better result today. I voted initially against this bankruptcy resolution or this bankruptcy legislation when it came to the floor. However, I had good faith and good hope that even as the bill was not as I would have wanted it as it left the House, that we would have an opportunity in a collaborative and working manner of good men and women working together for what is a positive idea of balancing the needs of creditors and debtors, that we would have the opportunity to put before this body a reasonable, a reasonable bankruptcy reform legislation.

In our Committee on the Judiciary meetings and subcommittee, I worked extremely hard, and I really appreciate the leadership of the ranking member, the gentleman from New York (Mr. NADLER), for working equally hard and for his leadership on issues dealing with balancing the needs and the burdens of creditors and debtors. Unfortunately, our voices were not heard, our constituencies were not heard, and this legislation is simply bad.

This legislation is not bankruptcy reform, it is bankruptcy recession. Webster's dictionary defines recession as "the act of withdrawing and going back." That is what this conference report does. It takes several steps back.

First of all, in order for there to be a conference report, a conference should first be convened. This conference committee meeting was a sham. After meeting for a couple of minutes, maybe an hour or so, listening to our respective opening statements, there was no discussion about how we could bring about compromise. I thought our constituents sent us to this body to deliberate, to collaborate, to compromise, to give exchange and interchange. None of that occurred in the conference committee. I was appalled as a second-year Member to find out that this is what represents or is represented to the American people as work.

There was no consideration of any of our concerns, no considerations of 2 motions that I intended to offer, and I was gaveled down in the conference committee. What a sham and an outrage.

As we met for opening statements, we did not attempt at that time to reconcile our opening or our concerns about the bill. The conferees were never afforded the opportunity to deal with the substantive issues. This again is not bankruptcy reform, it is bankruptcy recession.

I was pleased that the homestead exemption capital, $100,000 that was in the Senate version of the bill, is not in the conference report. However, I was not pleased to learn that a residency requirement was added into the conference report that require people in my home State of Texas to live in Texas for at least 2 years or own a home for at least 2 years before getting a homestead exemption. This is contrary to our Texas State Constitution, and it would not serve our State well. Any suggestions that people rove into the State of Texas and buy big expensive homes just in order to avoid the process of listing them or having them counted in bankruptcy is an outrage on the citizens of Texas, and we should be left to our own ways under our own Constitution on this issue.

The conference report does not contain certain provisions for the rights of families and children, as well as the right to a fresh start for honest debtors. Any bankruptcy legislation that is enacted should ensure that the obligations to pay child support and to compensate victims of wrongdoing are protected, and that eliminates abuse of the bankruptcy system by both debtors and creditors, and does not tilt what is ultimately a fair and well run system to an unfair advantage of particular interest groups. I heard from so many mothers who receive child support and also heard from those who have to pay child support. These debts need to be protected.

I truly believe that without these basic protections, the conference report would merit a presidential veto and that the veto would be sustained. I am very concerned with the House version passed with child support and alimony. I offered an amendment that would put child support and alimony not only as a priority, but would have them paid first before any secured creditors. One cannot put a mother seeking child support in competition

with those credit card companies who are trying to get paid. It is an unequal, unequal fight.

This conference report does not do that. It does not list or make sure that those who need to receive their child support do not have to fight the other nondechargeable debts like credit card debt. I oppose creating new nondechargeable debt that could pit post-bankruptcy credit card debt against child support, alimony, education loans and taxes. The conference report has not fixed that problem.

This conference report has the language that child support and alimony would have first priority, but yet still, this debt must still compete with the nondechargeable debt of secured creditors. The fact that this provision is in the conference report is outrageous and still makes the bill nonviable. Again, this is not bankruptcy reform, this is bankruptcy recession.

I had hoped that we could agree on a conference report that would avoid taking indiscriminate aim at debtors and fails to address some troubling practices of creditors. The only indisputable evidence in this debate is that Americans have significantly more debt than they have ever had before. The average bankruptcy filer last year had a debt-to-income ratio of 1.25 to 1, as opposed to .74 to 1, 74 percent of their income, a few short years ago.

According to bankruptcy law professor Elizabeth Warren of the Harvard Law School, the debtors that enter bankruptcy are usually experiencing turbulent times. Sixty percent of bankruptcy filers have been unemployed within a 2-year span prior to their filing.

□ 0945

Twenty percent of filers have had to cope with an uninsurable medical expense. Over one out of three filers, both male and female, are recently divorced.

The premise of this bankruptcy conference report is that bankrupt people are deadbeats, that they are trying to avoid the system, that they are going in and abusing the system. Madam Speaker, this is not true. If we had had a conference committee working relationship, we would have been able to present to this body one deeming or deserving of their consideration.

I think the idea of forcing bankruptcy filers into Chapter 7 versus Chapter 11 is too harsh and too extreme. The damage of trying to accomplish this goal through a means test might be irreparable. The National Bankruptcy Review Commission rejected the means test formula. This is the main reason why there can be no fair bright line to divide the irresponsible and fraudulent from the needy and the disadvantaged.

Again, this is not reform, this is bankruptcy recession. The means test is rigid and arbitrary for determining whether a debtor can use Chapter 7. In addition, it is very difficult for me to see why those small businesses who may want to be in a Chapter 11 are forced into a Chapter 7, all their goods taken.

Madam Speaker, this is not a good conference committee report. It is not deserving of the House. It should be vetoed. We should vote it down.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Madam Speaker, I urge passage of the rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEKAS. Madam Speaker, pursuant to House Resolution 586, I call up the conference report the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 586, the conference report is considered as having been read.

(For conference report and statement, see Proceedings of the House of October 7, 1998, at page 24339).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

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

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

Madam Speaker, this is an important time in the 3-year saga that has preceded the moment at hand. That is, for 3 years we have been attempting, in one way or another, to fine-tune the bankruptcy system, and, moreover, in the latter stages of that 3-year process, to directly confront the escalating number of filings that have brought our economic system to the edge of complete chaos in the bankruptcy system, over 1.5 million bankruptcies just in one year, 1997.

That alone prompted action on the part of the various communities involved in the bankruptcy system, and particularly did it cause the Committee on the Judiciary to entertain hearings and to review the Bankruptcy Commission report, and to consult on a daily basis with our Senate colleagues and with everyone concerned in this vast problem.

The final product that the House produced matched the Senate in many different ways, but in those ways in which there was room for negotiation and compromise, that, too, was accomplished.

I want to give one example to the gentleman from New York (Mr. NADLER), if he will give me his attention. The House bill went out of its way, pursuant to the testimony we received at hearings, primarily out of the State of New York about the tax provisions that finally ended up in the House version.

It was largely because of these special interests to which the gentleman refers, like the taxing authorities in New York, that we were able to put into place language that reflected their concerns over the years in a weak bankruptcy code that did not give them the opportunity to recoup monies from bankrupts.

Here is another example, the same thing.

Mr. NADLER. Madam Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. NADLER. Madam Speaker, I just want to observe that I was elected to represent 600,000 citizens or residents of the city of New York, not to represent the city government of New York, which is interested in squeezing money out of people it should not be able to squeeze money out of.

Mr. GEKAS. Reclaiming my time, Madam Speaker, no one accused the gentleman of anything. I am pointing out how we compromised on this matter.

The gentleman forgets, in his apology to his constituents, not his apology but his standing up for his constituents, that when the taxing authorities in New York or in any other State have a difficult time in recouping what is due the taxing authorities, every other one of the gentleman's constituents has to make up the difference in what is lost in tax revenue. That is the important point there.

I am simply outlining that we in the House were able to adopt these tax provisions because of the hearings that we held, the testimony we received, and the concerns that were uttered across the Nation.

Then, in the spirit of compromise, the Senate, which also had taken up that particular provision, even had stronger language which we were able to adopt in the compromise. That is the important feature of what I am discussing here today about how we compromised on a great number of issues.

Especially did that occur in the means testing. We heard right from the beginning that our means test entry formula was too rigid. This was the cry from the opposition, that it forced too many people to go from Chapter 7 to Chapter 13, meaning it was too much to take to force people who could pay some of their debt back over a period of 5 years, it was too much for them to take that they would have to do it over a period of 5 years, even though it only rose to a small percentage of that debt.

So what did we do? We worked with the Senate and we came up with a compromise, which is now in this conference report, whereby the 707(b), that

is, that portion of the Senate bill that dealt with abuse, being the vehicle for the final compromise in the conference report.

This, I want to say to the Chair, was a bipartisan effort, notwithstanding the rhetoric that we are being pummeled with. The results in both the Senate and the House of those separate bills indicate that.

I want the RECORD to show that in the House, the vote was 306 to 118. That is pretty bipartisan. On the Senate side it was 97 to 1, even a greater proportion of bipartisanship that approved their version of the bankruptcy reform.

Madam Speaker, here we are in a conference report that includes some of the best ideas in a generation for bankruptcy, including a Bill of Rights for debtors, a whole panoply of avenues of betterment of the plight of the debtor who has to go into bankruptcy and to seek a fresh start.

There is not one poor person or unemployed person in this country, who by reason of their plight are overburdened with their financial situation, who cannot seek and cannot gain a fresh start. We guarantee a fresh start to the poor person, to the person overwhelmed with debt. We are not even talking about them in the reforms and fine-tuning that we did.

What we are addressing is the situation of those people over the median income of our Nation who have a steady income and assets beyond the poor person or the unemployed person who have an ability to repay.

This conference report, this entire system that we have created here, would accommodate the repayment of some of that debt over a period of years. That is the strength of this report and that is the target of the report, not the person who requires and needs a fresh start. That will always be the backbone and the heart of bankruptcy. What we are trying to do is to make sure that that portion is not abused.

In addition to the consumer rights we build into this, I want to say to the Chair that we also have absolute ironclad guarantees, both from the Senate version and our version and in the conference report, for child support on both ends of the spectrum.

That is, we make sure that the person who owes child support will not be able to discharge that debt. That no matter what straits he finds himself in, he must pay that child support. Moreover, we even go as far as making sure that the arrearages that might have piled up are also protected for the purpose of the family that needs that support, and we prioritize child support in such a way that it cannot be misread in any way that the family is being destroyed, which is the rhetoric that we hear; but rather, we have extraordinary ironclad guarantees of the priority of support payments. That is in our bill.

On the homestead exemption, to which reference has been made primarily by our colleagues from Texas and Florida, which have a unique situation, we believe that the conference report meets the needs, and we will be able to discuss that as the gentlemen seek time.

When they are recognized, I would be glad to engage in colloquies with them so that we can firm up the record with respect to the homestead exemption, so we are satisfied that we work diligently to provide a solution, and, I might say to my colleagues from Texas, to ward off those kinds of provisions that would have harmed, I believe, the autonomy of the Texas positions on homestead exemption.

There were many other points that were of contention, and as I think of them, I will regain some of my time. I will consult with my staff as we go along. In the meantime, I want to say one other thing. I think the gentleman from New York, and by the way, I want to personally thank the gentleman from New York for staying in the Chamber last night, as he dutifully did, to shepherd through the Potomac compact.

We were misinformed somehow. We were here. The gentleman from Maryland, Mr. BARTLETT, and I remained on the floor, expecting that the bill would come up, and then by some miscommunication we were advised that it would not come up last night and that it would come up today.

The gentleman from New York (Mr. NADLER) stayed on the floor, and I commend him for that. I am grateful that he was able to help put the final touches on that important piece of legislation.

By the way, upon the adoption of the conference report, and we also have advised the minority, I will bring up a concurrent resolution on unanimous consent that directs the Clerk to make a purely technical revision to the conference reports' effective date provision.

Today marks a major epoch in the history of bankruptcy legislation reform. The Conference Committee Report on H.R. 3150, the Bankruptcy Reform Act of 1998, makes substantial and long-needed reforms to bankruptcy law and practice. The scope and extent of these reforms, it should be noted, have not been undertaken by Congress since the enactment of the Bankruptcy Code in 1978, twenty years ago.

The Conference Report reflects the guiding principles of both the House and Senate's legislative reforms: to restore personal responsibility and integrity in the bankruptcy system and to ensure that it is fair for both debtors and creditors.

We adhered to these principles for one simple reason: the overwhelming mandate that accompanied each bill. In the House, there was a thoroughly bipartisan vote of 306 to 118 for H.R. 3150. In the Senate, again, there was a resounding 97 to 1 vote in favor of S. 1301, the Senate counterpart to our bill. In recognition of these mandates, the Conference Report retains many of the best provisions from each bill and, when necessary, appropriate compromises.

We must also not forget that this Conference Report marks the culmination of more than three years of careful analysis and review of our nation's current bankruptcy system. Both the House and the Senate held numerous hearings and heard from many witnesses, representing a broad cross-section of interests and constituencies in the bankruptcy community. Every major organization having an interest in bankruptcy reform participated in these hearings.

With regard to consumer bankruptcy, the Conference Report contains comprehensive reform measures. Why do we need these reforms? The answers are not only easy, but obvious. Last year, bankruptcy filings topped 1.4 million and even exceeded the number of people who graduated college in that same year. Nevertheless, literally thousands of people who have the ability to repay their debts are simply filing for bankruptcy relief and walking away from those debts without paying their creditors a single penny under the current system.

The Conference Report combines some of the best aspects of both the House and Senate approaches to ensure debtors who have the ability to repay their debts are steered into Chapter 13, a form of bankruptcy relief whereby debtors repay all or a portion of their debts. It accomplishes this objective by adopting the Senate's provisions for post bankruptcy petition judicial review and incorporates the House's standards for determining repayment capacity to provide greater guidance and predictability.

The Conference Report offers a balanced approach to reform with regard to consumer debtors. It creates a debtor's "bill of rights" with regard to the services and notice that a consumer should receive from those that render assistance in connection with the filing of bankruptcy cases. Through misleading advertising and deceptive practices, "Petition mills" deceive consumers about the benefits and detriments of bankruptcy. The Conference Report responds to this problem by instituting mandatory disclosure and advertising requirements as well as enforcement mechanisms.

Most importantly, the Conference bill contains a panoply of heightened protections especially with regard to the treatment of domestic support obligations. These claims are accorded the highest priority to these obligations. This ensures that they will be paid before all other unsecured creditors, including claims of attorneys and other professionals. It also requires a Chapter 13 debtor, as a condition of obtaining a discharge, to pay outstanding arrearages on these obligations.

The Conference Report also incorporates provisions from both the House and Senate bills to stem abuse in the consumer bankruptcy system. These include provisions broadening the category of debts that a consumer debtor must repay notwithstanding his or her bankruptcy filing. It addresses the problem of abusive use of credit on the eve of filing and protects secured creditors from having their claims rendered unsecured by Chapter

13 debtors for purchases of personal property made within five years prior to bankruptcy.

In addition, the Conference bill clarifies the grounds for dismissing Chapter 7 cases for abuse. While protecting a debtor's homestead exemption and preserving states' rights, the Conference bill prevents manipulation of the system by those who seek to take advantage of this provision to the detriment of their creditors.

Besides consumer bankruptcy reform, the Conference Report creates a new bankruptcy chapter designed to deal with the special concerns presented by international insolvencies, a timely and very much needed reform. It contains sorely needed provisions requiring the collection of statistics about bankruptcy cases and the implementation of various studies.

In sum, this Conference Report is a comprehensive restatement of bankruptcy law that will re-introduce personal responsibility and integrity into the bankruptcy system while protecting the right of debtors to a financial "fresh start."

I commend my fellow Conferees and the dedicated staff members who have worked so tirelessly to perfect this legislation. And, I urge my fellow Colleagues to vote in support of this Conference Report.

Upon its adoption, I will offer a concurrent resolution on unanimous consent that directs the clerk to make a purely technical revision to the Conference Report's effective date provision.

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

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

Mr. Speaker, that the process of the conference report was not open we addressed during a debate in the Committee on Rules. I am not going to go back through that.

Let me start by making several general observations about this bill. This bill deals with a phony crisis, concocted with a $40 million lobbying and propaganda campaign of the big banks and credit card companies. It does so by seeking in 30 or 40 different ways to take large sums of money, in toto, from middle-income and low-income American families in times of personal crisis, personally bankruptcy, to enrich the big banks and credit card companies. This bill has no other purpose, all the window dressing and fig leaves to the contrary notwithstanding.

Mr. Speaker, we are told that the need for this bill is that the number of personal bankruptcy filings has increased greatly over the last 15 years, and that it has gone up to 1.4 million filings last year. We are told that the reason for this is that Americans are basically deadbeats. Americans are basically deadbeats. That is a slander on the American people.

We are told that a couple of generations ago we had moral people in this country, and they would not go bankrupt and seek a discharge of their debts unless they were really in an extreme position, unless they had no other choice, and there was a moral stigma attached to bankruptcy.

Now, in this era today, nobody cares about morality anymore. There is no more moral stigma. Therefore, people go bankrupt, they declare bankruptcy as a financial planning option, or at the first sign of difficulty, instead of in the last resort. They are deadbeats.

Mr. Speaker, as I said, this is a slander on the American people. It is total nonsense. In fact, if we look at the statistics we see what nonsense it is. In 1983, 15 years ago, the average Chapter 7 filer seeking a discharge of debts in bankruptcy had debts equal to 74 percent of his annual income.

□ 1000

Today, the average Chapter 7 filer has debts equal to 125 percent of his annual income. In other words, people are much more reluctant today to file for bankruptcy than they were 15 years ago. They do not file for bankruptcy when they have their debts equal to 74 or 75 percent of their income. They wait, they struggle, they work to resolve their financial situation until they get to 125 percent debt, 125 percent of their income, and only then do they file for bankruptcy. They are a lot more queasy about bankruptcy than they were 15 years ago. They are a lot more reluctant to enter into bankruptcy than they were 15 years ago, to the contrary of the arguments of the proponents of this bill.

We are told those who file for bankruptcies, who can pay their debts but are not because they are given discharges, that this costs every American family $400; and if we pass this bill, Americans will get $400 more money, or will save $400 a year in lower interest rates on their credit cards. This is self-evident nonsense.

We all know what has happened since credit cards were deregulated, since interest rates were deregulated in the early 1980s. They shot up to an average of 17, 18, 19 percent, which in an era of 17 percent inflation in 1980 may have been okay; the banks had to charge at least the inflation rate. We were told when the inflation rate and the cost of money went down that the interest rates would come down. Well, the cost of money has come way down, mortgage interest rates have come down, bank loan rates have come down, the prime rate has come down, everything has come down, but not interest rates on credit cards. They are still averaging 17.7 percent.

Yes, we can find some small-town banks that will give us much better interest rates, but 90 percent of the credit cards, 90–95 percent of the credit cards' credit comes from the big banks, which can do the marketing and the advertising on television, and those rates are way up. If this bill passes, they are not going to lower those rates. They will just have bigger profits.

The fact is that the profit rates of banks, which vary between 1 and 2 percent of assets, the profit rates of the credit card departments are between 4 and 5 percent of assets. In 1983, before credit card interest rates were deregulated, and before the "bankruptcy crisis" started, the profitability of the credit card departments was slightly higher than the profitability of the banks as a whole. Now, it is four times higher.

In fact, if we want to know the cause of the "bankruptcy crisis", of the increase in filings, we do not have far to look. The increase in bankruptcy filings tracks directly year-to-year with the increase in the ratio of debt-to-income in society as a whole. In other words, people are getting more in debt. They are being lulled by the credit card companies to take more and more credit cards, get more in debt, more in over their heads, and the result is not a surprise.

Mr. Speaker, let me outline just some of the problems with this bill, very briefly. We are told there is a means test. Before we can get a Chapter 7 bankruptcy, which now is allowed on request, unless it is abusive, we will have to pass this means test. A means test means that we should look at the ability of the borrower to repay his debts. What is his income; what are his real expenses.

But we are not going to look at real expenses in this bill. We are going to let that wonderful agency the Internal Revenue Agency say what the average rent expense is in the northeast United States. Who cares? The question is what is his or her rent expenses. We are going to look at the average costs for everything else. It does not matter, the real cost is what are his or her expenses. If an individual has a major medical problem on an ongoing basis, it does not matter what the average family spends on medical expenses, it matters what that individual spends on medical expenses.

Mr. Speaker, this bill expands the nondischargeability of credit card debts so that they will compete with child support obligations. It gives creditors powerful new leverage to coerce reaffirmation agreements, which will compete with child support after bankruptcy. It requires diversion of family income in chapter 13 to defend meritless claims of fraud. It adopts a restrictive definition of household goods so that more household goods will be repossessed, household goods of little value to the creditors but which are needed by debtors. It eviscerates all the Senate's consumer protection provisions. It adds new provisions eliminating punitive damages and class actions for intentional violations of the bankruptcy stay. It allows wealthy debtors to plan bankruptcy cases in advance so none of the bill's provisions will affect them.

In other words, for the rich, they can still use bankruptcy abusively, but for

the low-income and middle-income people, this bill says we are going to take a lot of their money, we are going to evade their chance to get it, we are going to eliminate or restrict their chance to get a new start, which is the purpose of the bankruptcy laws, because the big banks must be served.

Mr. Speaker, this bill is one of the worst bills I have ever seen. It serves only the big banks against the interests of middle- and low-income Americans. The President, thankfully, has pledged to veto the bill, and so, ultimately, this bill will do no harm except to our reputations.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to repeat that the vote on the House was 300-something to 118, an overwhelming bipartisan approval of the language of the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of our committee.

Mr. BRYANT. Mr. Speaker, I do rise in strong support of this conference report on the Bankruptcy Reform Act of 1998. I come to this floor as someone who has practiced in the bankruptcy court for a number of years and I realize that bankruptcy is good for America. We have always been a country that is willing to give people a second chance, and certainly that is what the bankruptcy code is about, to help people who are financially distressed in a genuine situation to have a second chance.

However, over the years, this process, like so many other processes and so many other laws, gets out of focus, perhaps gets a little out of balance, and at this time I think the bankruptcy reform that we have worked so hard on in this Congress is very appropriate to try to bring the process back into balance; allow the courthouse doors to remain open to those people who genuinely and sincerely need bankruptcy relief, but yet give that balance to the creditors out there who, along with the American citizens, bear the cost of bankruptcy abuse.

There are many reasons for this, and I will not begin to get into a great discussion about those, but it seems to me what will be heard today on the floor and what has already been said is probably, in large part, true. There is enough blame to go around for everyone in terms of why there are so many bankruptcies. But what I wanted to see done in this bill was to find this proper balance, to work it through the process of the House bill, the Senate bill, which were very different, and then go into conference and work together and come out with a bill that was more uniform and one that was more consistent, that could be applied across this country, and perhaps taking out some of the discretion, some of the discretion, not all of the discretion, that exists in the current bankruptcy code.

Mr. Speaker, after countless hours of debate and disagreements in this conference between the Senators and the Members of the House, we conferees have emerged from our negotiation with a good and a serious compromise, a bill which, on all sides, has found a workable agreement in helping solve the endless complications associated with our bankruptcy system.

What this compromise bill creates is a needs-based bankruptcy system which will determine the type of relief. Not that an individual cannot file, but determines the type of relief that a debtor needs. It talks about the type of relief that a debtor needs and will require people to fairly repay what they can.

This legislation also removes loopholes that have allowed some debtors to abuse the system over the years. Our reform puts a greater priority on child support and alimony payments that are made through bankruptcy proceedings. But one of the main strengths and one of the main concerns I have in my district is how the legislation affects Chapter 12 bankruptcies.

Chapter 12 bankruptcy will expire this year, and this bill extends that particular provision of the code permanently. This is the provision that allows our farmers to reorganize when they are in a disastrous situation; to be able to reorganize and pay back their debtors and keep those family farms in operation.

We have seen a number of terrible disasters this year, especially in the south, in my home State of Tennessee, and we expect something in the nature of some 50 farmers that may have to face the possibility of some sort of reorganization this year. But given the willingness of our compromise as a whole within this legislation, this particular provision will help our family farms have more say in their reorganization plans.

I do urge my colleagues on both sides of the aisle to pass this legislation as it is and to give the President the opportunity to sign it into law. This is not a time to turn our back on the farmers and a reasonable and an appropriate revamping of the bankruptcy code. This bill shifts responsibility to the debtors for the first time in a long while, in a reasonable fashion, while making adequate protections for those who really need it.

Mr. Speaker, I urge the bill's passage.

Mr. NADLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, were it not for the gentleman from New York (Mr. JERRY NADLER), this bill, one of the worst anti-people bills I have ever seen in the Judiciary, would be quietly going through this body. The President of the United States, I say to the gentleman from Pennsylvania (Mr. GEKAS), has pledged he will reward the majority with a veto for not listening to the senior ranking member and going off on the deep end. He will veto this bill. And even if it is put in an omnibus bill, he will veto it. So we are talking serious defects.

I want to address the distinguished chairman, the gentleman from Pennsylvania. He and I have toiled in the Judiciary vineyards together for so long. How could the gentleman put a provision in, first of all, that takes out the few good provisions that we had? The bill was bad enough on its own, but then he gutted the provision, which passed with over 100 of his Republican colleagues, that would have ended the practice of credit card companies cutting off accounts. Why?

Why would the gentleman drop the provisions that would prevent the horrible tobacco companies, the bad guys of American industry, from using bankruptcy to get out of their judgments? Why would he endanger youth? I know he is a pro-family man, like me, pro-family values. Why would he endanger child support, alimony payments, in a bill coming out of the committee with his name on it?

Why would the gentleman harm small businesses? We represent the little guys. And now he is putting them in very precarious positions. And then the gentleman dropped the consumer protection and fair credit amendments that were in the Senate bill.

Now, these were the things the gentleman took out of the bill. But before he did that, the bill was a nightmare anyway.

This was the most partisan of anything the Republicans have ever done in the Committee on Judiciary. And without consulting me, the gentleman has been hurried and partisan and, really, the whole process was not the kind that we want.

By the way, the gentleman mentioned how many people voted for the bill. How many people voted for the open-ended, no-scope inquiry yesterday? The American people do not want that, and they do not want a bill like this. The House makes mistakes all the time. Our job is to correct them. And so I wanted to just outline some of these things, and I refer the gentleman to the report that we filed of dissenting views that is in this matter.

I thank the ranking member of the subcommittee, the gentleman from New York (Mr. JERRY NADLER) for according me so much time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to say that I like the gentleman from Michigan (Mr. JOHN CONYERS), and sometimes, even when he makes sense, he goes to the point of the issue at hand. Here, though, he has overlooked the

fact that the final conference report, which may or may not have had some of the provisions which are near and dear to his heart, was the subject of the compromise that always occurs between the two bodies when each have passed a similar bill and which then converge to a compromise level at the conference level.

□ 1015

So his disappointment, which heartfelt, should not be visited at the chairman who has gone to great lengths to try to amalgamate the best interests of our body, as the gentleman from Michigan knows. But I will take his words and consult with him later in a private manner in which we will dispose of our differences.

Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG) who from the very start has had a special interest in the best sense of the word in bankruptcy reform.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of this bill and I thank the gentleman from Pennsylvania (Mr. GEKAS) for including this provision in this bill. This injustice stems from a last-minute decision back in the 103rd Congress which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued at over $4 million.

While in Chapter 11, and I want to talk just briefly, H.R. 3150 provides relief to victims by eliminating this arbitrary ceiling. Under this law, Chapter 11 of the Bankruptcy Code serves as a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for Chapter 11 protection which postpones foreclosure indefinitely.

While in Chapter 11, the debtor will continue to collect the rents on the commercial asset. However, the commercial property will typically be left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

H.R. 3150 does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Mr. Speaker, H.R. 3150 is a good bill. I urge my colleagues to support it.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would actually like to speak to my colleagues who with their best judgment made the determination to vote for what was initially presented to us as an attempt to rid ourselves of those people who would abuse the bankruptcy system. Many of my colleagues came to the floor of the House with good intentions and seeking to respond to the accusations made by the credit card industry. I speak to them today because I think they have been sorely disappointed and their good intentions have been misused. In fact, the distinguished gentleman from Pennsylvania (Mr. GEKAS) notes that the Senate voted for this bill 97–1. The reason was that Democrats joined with Republicans in a bipartisan vote. Why? Because there had been the inclusion of a sizable portion of consumer protections in this bill, providing for consumer education and counseling. Yet in the dark of night, these good provisions that would protect you have been deleted. Frankly it is interesting that this bill uses IRS standards to determine whether a hardworking American who has fallen upon hard times with catastrophic illnesses and other tragedies in their family now can go into the bankruptcy court. It ignores that most bankrupt persons may have been recently divorced, or they may have been elderly persons with catastrophic illnesses falling again upon hard times. It ignores frankly the idea that the credit card industry themselves admitted that really only 4 percent of the debt in America paid by Americans for credit cards is defaulted. So where is the problem? Ninety-six percent of the debt that you owe to credit card companies is paid and paid and paid and paid. In fact, you all realize that you pay three times more, or more, for the item by the time you get through paying. Yet the credit card companies have said to us, "We need relief."

Frankly I am concerned about this means test because important items like child care payments, health care costs, the costs of taking care of ill parents, educational expenses, are those kind of expenses that may keep you out of the bankruptcy court or you may have to prove that they were in fact necessary. Would you imagine that this legislation also takes good, hardworking businesses, small businesses who likewise may have come upon hard times but want to keep their doors open by filing Chapter 11 in order to pay off their debts, it forces them into Chapter 7 which takes away everything that they own.

Mr. Speaker, this is a bill that needs to be voted down. There are so many problems with the bill.

Mr. Speaker, I support Bankruptcy Reform legislation, but not this bankruptcy conference report. This is not bankruptcy reform—this is bankruptcy recession. Webster's Dictionary defines recession as "the act of withdrawing and going back." That's what this conference report does. It takes several steps back. First of all in order for there to be a Conference Report, a conference should first be convened. This conference committee was a sham. We met one time to read opening statements and the democrats were not able to offer any input to reconcile the differences between the House and the Senate versions of the bill. The conferees were never afforded the opportunity to deal with the substantive issues.

This is not bankruptcy reform—this is bankruptcy recession.

I was pleased that the Homestead Exemption cap of $100,000 that was in the Senate version of the bill is not in the conference report. However, I was not pleased to learn that a residency requirement was added into the conference report that would require people in my home state of Texas to live in Texas for at least two years or own a home for at least two years before getting a homestead exemption. This is contrary to our Texas state Constitution and would not serve my state well.

The conference report does not contain certain provisions for the rights of families, children, as well as the right to a fresh start for honest debtors. Any bankruptcy legislation that is enacted should ensure that obligations to pay child support and to compensate victims of wrongdoing are protected, eliminates abuse of the bankruptcy system by both debtors and creditors, and does not tilt what is ultimately a fair and well run system to the unfair advantage of particular interest groups. I truly believe that without these basic protections, the conference report would merit a Presidential veto and that veto would be sustained.

I am very concerned with what the House version passed with child support and alimony. I offered an amendment that would put child support and alimony not only as a priority, but would have them paid first before any secured creditors. This conference report does not do that. I oppose creating new, nondischargeable debts that could pit post-bankruptcy, credit card debt against child support, alimony, educational loans, and taxes. The conference report has not fixed that problem.

This conference report has the language that child support and alimony would have first priority, but yet still this debt must still compete with the non-dischargeable debt of secured creditors. The fact that this provision is in the conference report is outrageous and still makes the bill non-viable. This is not bankruptcy reform—this is bankruptcy recession.

I hoped that we can agree on a conference report that would avoid taking indiscriminate aim at debtors and fails to address some troubling practices of creditors. The only indisputable evidence in this debate is that Americans have significantly more debt today, than they have ever had before. The average bankruptcy filer last year had a debt to income ratio of 1.25 to 1 (125% of their income) as opposed to just .74 to 1 (74% of their income) a few short years ago.

According to Bankruptcy Law Professor Elizabeth Warren of the Harvard Law School, the debtors that enter bankruptcy are usually experiencing turbulent times. Sixty percent of

bankruptcy filers have been unemployed within a two year span prior to their filing. Twenty percent of filers have had to cope within an uninsurable medical expense. Over 1 out of 3 filers, both male and female are recently divorced.

The version of the bill that passed the House was unacceptable to me, and I voted against it. I think the idea of forcing bankruptcy filers into Chapter 13 versus Chapter 7 is too harsh and two extreme. The damage of trying to accomplish this goal through a means test might be irreparable. The National Bankruptcy Review Commission rejected the means test formula, and this is the main reason why: there can be no fair brightline to divide the irresponsible and fraudulent from the needy and disadvantaged.

This is not bankruptcy reform, this is bankruptcy recession.

I strongly oppose a "means test" that includes a rigid and arbitrary approach to determining whether a debtor can use Chapter 7 only to those who genuinely have the capacity to repay a portion of their debts successfully under a Chapter 13 plan. Bankruptcy courts must have discretion to consider the specific circumstances of a debtor in bankruptcy, and the thresholds they consider should be high enough to ensure that only those with a strong likelihood of success are affected. If we deny access to Chapter 7 to the wrong debtors, and those debtors fail to complete required repayment plans, they will return to Chapter 7 with a diminished capacity to repay their nondischarged debt—including child support and alimony.

I am also very concerned that some Americans who have small businesses will be forced into Chapter 7 instead of having a chance to repay their debts under Chapter 11. Small business owners should not be allowed to escape their debts unnecessarily, but they should be given an opportunity for a fresh start.

In our House Judiciary Committee Mark-up, I supported an amendment that passed by voice vote which would hold tobacco companies liable for the death and injury that resulted from the use of their deadly products. The conference report changed this "reform," and now the tobacco conglomerates will be able to shield themselves from liability by filing for bankruptcy protection.

This is not bankruptcy reform, this is bankruptcy recession.

There should also be language in the Final Report that addresses consumer and debt education. It should be the responsibility of the credit card companies to give more and better information so that they can understand and better manage their debts. Debtors need to be protected against predatory creditor tactics to coerce inappropriate and unwise reaffirmations of unsecured debt and secured debts. The Consumer education provisions are conspicuous by their absence in this conference report.

Mr. Speaker, this is not Bankruptcy reform, this is Bankruptcy recession. This bill pits creditors over families, conglomerates over women and children, offers no provisions for the farmers of our nation, and provides loopholes for the wealthy. This so-called Bankruptcy reform is D.O.A. (dead on arrival) at the White House. This is not bankruptcy reform, this is bankruptcy recession. I urge you to vote no on this conference report.

Mr. GEKAS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, it is common sense in my areas of Michigan, that if you make it too easy to file bankruptcy and discharge your debts, a lot of those lenders are going to have to jack up their interest rates on everybody else to compensate for the money they lose when that debt is discharged. This legislation provides a better balance, a golden mean. I would hope both sides could work together to find compromize so that we don't end up with harder to get loans and higher interest rates as a result of existing law that makes it easy to declare bankruptcy and discharging those debts.

I have two bills that are now incorporated in this bankruptcy bill. One is H.R. 4672, the extension of the Section 12 provision for farmers and agriculture; the other is a provision suggested to me by an Eaton County Michigan probate Court official, Tom Robinson. That section does not allow the discharge of debt for child care that would be owed to a local court or municipality.

I thank Chairman GEKAS for yielding me time and for his perseverance in developing needed reform to our bankruptcy law.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from New York (Mr. NADLER) for yielding this time to me. It is a very generous amount of time, particularly in view of the fact that my perspective on this issue differs from his. I want to thank him for recognizing me this morning.

Mr. Speaker, I am pleased to rise in support of the conference report on the bankruptcy reform measure and urge its approval by the House of Representatives. In recent years, the bankruptcy laws have been subjected to growing misuse by debtors who can repay a substantial part of what they owe but elect instead to file for the complete discharge and complete liquidation provisions of Chapter 7 of the bankruptcy laws.

In the past year, more than 1.4 million bankruptcy petitions were filed, and that was a 25 percent increase over the prior year's level. That dramatic increase occurred at a time when we had the strongest national economy and the lowest unemployment that our Nation has experienced in decades. Each year, more than $40 billion in consumer debt is wiped out through bankruptcy discharges, a cost that is passed along to borrowers and passed along to the purchasers of all goods and services. That cost amounts to a hidden tax of approximately $400 per year on the typical American family.

The reform legislation that we consider this morning is a positive step toward ensuring that individuals with high incomes who need bankruptcy protection but who can repay a substantial part of their debts use the debt repayment plan of Chapter 13, rather than the complete liquidation provisions of Chapter 7. That will ensure that more of the debt is paid. That will ensure that the $400 tax that is imposed on the typical family because of increased charges for credit and the increased prices for goods and services is, to some extent, reduced and lowered.

By combining the best elements of the House and Senate bankruptcy reform measures, the conference agreement encourages personal responsibility in the use of credit in a manner that is fair to debtors and creditors alike and promotes the interests of all consumers.

It makes a number of other useful changes. Child support and alimony payments that today have the seventh priority in the distribution of a bankrupt's estate will be moved to the very first priority. That is a very significant change. I would note that for people whose concerns have been expressed with regard to the condition of the single parent. In Chapter 13 cases, a court under this legislation can require that all child support and alimony be paid before any other obligations, and a debtor will not receive discharge of his debts in bankruptcy until child support and alimony payments have been made.

The legislation also protects consumers. All credit card users will benefit from mandatory provisions requiring credit card companies to disclose on customer statements the effect that only making the minimum monthly payment will have on the length of time it will take to pay the balance that is due and also on the overall finance charges that must be paid. Credit card companies will also be prohibited from terminating a customer's account because that individual elects to pay his bills on time and, therefore, is not incurring finance charges.

The measure also enhances debtor protections. The conference report addresses the unscrupulous practices of some debt relief agencies by requiring full disclosure to consumers about the bankruptcy process and about related fees. Reaffirmations by debtors of wholly unsecured debt must comply with strict new disclosure requirements that are imposed on creditors, and reaffirmations will also be subjected to review by a bankruptcy judge.

I urge support for the conference agreement.

Mr. Speaker, I rise in support of the conference report on the bankruptcy reform measure and urge its approval by the House.

In recent years, the bankruptcy laws have been subjected to growing misuse by debtors

who can repay a substantial part of what they owe, but elect to file for a complete discharge of all of the debts under Chapter 7.

In the past year more than 1.4 million bankruptcy petitions were filed, an increase of more than 25% over the prior year's level. And this dramatic increase has occurred during the strongest economy, with the lowest unemployment the nation has experienced in decades.

Each year, more than $40 billion in consumer debt is wiped out through bankruptcy discharges, a cost which is passed along to borrowers and to the purchasers of all goods and services. This cost amounts to a hidden tax of $400 per year on the typical American family.

The reform legislation is a positive step toward ensuring that individuals with high incomes who need bankruptcy protection but who can repay a substantial portion of their debts use the debt repayment plan of Chapter 13 rather than the complete liquidation provisions of Chapter 7.

By combining the best elements of the House and Senate bankruptcy reform measures, the Conference Agreement encourages personal responsibility in the use of credit in a way which is fair to debtor and creditors alike and promotes the interests of all consumers.

It makes other useful changes: Child support and alimony payments will become the first priority in bankruptcy proceedings, a major change from the seventh priority in current law. In Chapter 13 cases, a court can require that all child support and alimony be paid before any other obligations. And, a debtor will not receive a discharge of debts in bankruptcy until child support and alimony payments are made current.

The legislation protects consumers: All credit card users will benefit from mandatory provision requiring credit card companies to disclose on customer statements the effect of only making the minimum monthly payments on the overall finance charges paid and on the length of time required to repay the balance. Credit card companies will also be prohibited from terminating a customer's account solely because the customer has not incurred finance charges on the account.

The measure enhances debtor protections: The conference report addresses unscrupulous practices of some debt relief agencies by requiring full disclosures to consumers about the bankruptcy process and related fees. Reaffirmations by debtors of wholly unsecured debt must comply with strict new disclosure requirements imposed on creditors and reaffirmations will be subject to review by a bankruptcy judge.

The House passage of this legislation was supported by ¾ of the membership and by approximately ½ of the Democrats. I encourage colleagues on both sides to approve this conference report, and to my Democratic colleagues I would point out that the conference agreement is somewhat less favorable to the credit industry and somewhat more favorable to financially hard-pressed debtors than was the House bill. Therefore, it is my hope that an even larger number of my Democratic colleagues will support the conference agreement than supported the original legislation.

In summary, the conference report on H.R. 3150 protects consumers, reduces abuses of the bankruptcy system by creditors and debtors, and ensures that an effective "fresh start" is available to those who truly need it. Mr. Speaker, H.R. 3150 is a balanced and responsible reform of the bankruptcy law.

Mr. GEKAS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SHAW) who has been very helpful in the consultations along the road to this moment.

Mr. SHAW. I thank the gentleman for yielding me this time. Mr. Speaker, I would like to congratulate the chairman and all on the Judiciary Committee who took on a most neglected portion of the law which has been racked by abuse in the last years and has really brought us a very, very good bill. I intend to support this bill, but I must express my disappointment as to a provision that was dropped in the conference which I feel is very, very important. As the gentleman from Virginia (Mr. BOUCHER) has just stated, bringing up child support from down at a lower level on priorities right up to the top was a very, very good thing. In order to further implement this, I offered an amendment which was accepted by the House during the passage of this legislation which put a mechanism for enforcement of this very important provision in place. I felt it was very reasonable and I felt also it was very necessary because so many times a mother receiving child support does not know the ins and outs and legalities of being able to enforce her particular priority. I would hope should this bill come back to the House for any reason whatsoever either because of action of the Senate or action of the President that they will reconsider the Shaw amendment and place it back in the bill as a very reasonable enforcement tool for those millions of American women who are struggling to raise their children and are in desperate need of the funds they receive each month in the form of child support.

□ 1030

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, if I could, I would like to engage the chairman of the subcommittee in a colloquy with respect to sections 126 and 127 of the conference report.

First, if I might, in understanding, does the 2-year residency requirement mean that once residency is met the debtor enjoys the benefit of the State's homestead law for so long as he or she is a resident of that State even if they move from one homestead to another within that State? And, furthermore, does this same residency apply to military personnel and expatriates who maintain their residency within that State but may well be domiciled in another State or another country?

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

Mr. BENTSEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. It is a yes-yes to the gentleman's inquiries. It allows Texas to set and to keep its homestead exemption theories and laws in place subject to the 2-year limitation that we place in the bill.

Mr. BENTSEN. So once I have established the 2-year residency, I can claim homestead on the house I am in now. The house, if I sell that house and buy another house, that house and each house thereafter, so long as I maintain the initial 2-year residence.

Mr. GEKAS. That is my interpretation.

Mr. BENTSEN. Would a gain on the sale of a residence once residency is obtained which is then rolled over into a new residence be considered an exempt asset or a nonexempt asset?

Mr. GEKAS. I have not thought that through, but it is my impression that that would be protected because, by then, the exemption has already been created.

Mr. BENTSEN. And under Section 127, would a routine prepayment within the 730-day period; as my colleague knows, with one's mortgage statement they can have a routine prepayment on top of their annual mortgage payment or a home equity payment, for that matter, which is carried out within the 730 day period. Would that be considered routine, or would that be something where the debtor would have to fight in court to determine that that is not a fraudulent transfer?

Mr. GEKAS. My impression would be that it would be routine.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and for his strong leadership on this issue.

Mr. Speaker, I rise today in support of the conference report. This important legislation is an honest compromise between the House and Senate passed bills, and while I have serious concerns about the retention of certain provisions of the Senate passed bill, the overall conference report is a strong agreement that is pro personal responsibility and anti bankruptcy abuse. With a record high 1.4 million bankruptcies filings last year, every American must pay more for credit, goods and services when others go bankrupt. I cosponsored and voted for House passage of H.R. 3150 because it is high time that we relieve consumers from the burden of paying for the debts of others. The Bankruptcy Reform Act restores personal responsibility, fairness and accountability to our bankruptcy laws and will be of great benefit to consumers.

For too long our bankruptcy laws have allowed individuals to walk away from their debts even though many are

able to repay them. That is not fair to millions of hard-working families who pay their bills, mortgages, car loans, student loans and credit card bills every month. The loopholes in our bankruptcy laws have led to a 400 percent increase in personal bankruptcy filings since 1980 at a cost of $40 billion per year. These losses have been passed directly to consumers, costing every household that pays its bills an average $400 per year in a hidden tax in the form of increased costs of goods that are passed on by those who are defaulted upon with credit. In real terms that is a year's supply of diapers or 20 tanks of gas.

The conference agreement retains the strong needs-based formula included in the House passed version of the bill but would preserve the right of a debtor in bankruptcy to have a judge review his or her case. This judicial review would preserve the means test that is so necessary for successful bankruptcy reform while allowing a debtor's unique circumstances to be taken into account.

Under the current system, some irresponsible people filing for bankruptcy run up their credit card debt immediately prior to filing knowing that their debts will soon be wiped away. These debts, however, do not just disappear. They are passed along to hard-working folks who play by the rules and pay their own bills on time. The Bankruptcy Reform Act ends this practice by requiring bankruptcy filers to pay back nondischargeable debts made in the 90 days preceding their filing. In addition, new debts incurred within 90 days of bankruptcy for luxury goods over $250 in value would be presumed nondischargeable.

While ending the abuses of our bankruptcy laws, the Bankruptcy Reform Act is strongly pro consumer in other ways as well. This legislation, for example, helps children by strengthening protections in the law that prioritize child support and alimony payments.

Thank you, Mr. Speaker. I rise today in support of the conference report on H.R. 3150, the Bankruptcy Reform Act of 1998. This important legislation is an honest compromise between the House- and Senate-passed bills, and while I have serious concerns about the retention of certain provisions of the Senate-passed bill, the overall conference report is a strong agreement that is pro-personal responsibility and anti-bankruptcy abuse.

With a record-high 1.4 million bankruptcy filings last year, every American must pay more for credit, goods, and services when others go bankrupt. I cosponsored and voted for House passage of H.R. 3150 because it is high time that we relieve consumers from the burden of paying for the debts of others. The Bankruptcy Reform Act restores personal responsibility, fairness, and accountability to our bankruptcy laws, and will be of great benefit to consumers.

For too long, our bankruptcy laws have allowed individuals to walk away from their debts, even though many are able to repay them. That's not fair to millions of hard-working families who pay their bills—mortgages, car loans, student loans, and credit card bills—every month. The loopholes in our bankruptcy laws have led to a 400 percent increase in personal bankruptcy filings since 1980, at a cost of $40 billion per year. These losses have been passed directly to consumers, costing every household that pays its bills $400 per year in a hidden tax in the form of increased costs goods each year. In real terms, that's a year's supply of diapers, or twenty tanks of gas.

The conference agreement retains the strong needs-based formula included in the House-passed version of the bill, but would preserve the right of a debtor in bankruptcy to have a judge review his or her case. This judicial review would preserve the means test that is so necessary for successful bankruptcy reform while allowing a debtor's unique circumstances to be taken into account.

Under the current system, some irresponsible people filing for bankruptcy run up their credit card debt immediately prior to filing, knowing that their debts will soon be wiped away. These debts, however, do not just disappear—they are passed along to hard-working folks who play by the rules and pay their own bills on time. The Bankruptcy Reform Act ends this practice by requiring bankruptcy filers to pay back nondischargeable debts made in the 90 days preceding their filing. In addition, new debts incurred within 90 days of bankruptcy for luxury goods over $250 in value would be presumed non-dischargeable.

While ending the abuses of our bankruptcy laws, the Bankruptcy Reform Act is strongly pro-consumer in other ways as well. This legislation, for example, helps children by strengthening protections in the law that prioritize child support and alimony payments. Additionally, H.R. 3150 protects consumers from "bankruptcy mills" that encourage folks to file for bankruptcy without fully informing them of their rights and the potential harms that bankruptcy can cause.

I think that my friends on the other side of the aisle would agree with me that none of the parties involved in this debate got everything that they wanted in this bill, nor would any of us claim to support all of the provisions included in this bill. I know I certainly do not. But that is the essence of compromise. On the whole, however, this bill is a giant step in the right direction and means real reform for our nation's bankruptcy laws.

Bankruptcy should remain available to folks who truly need it, but those who can afford to repay their debts should not be able to stick other folks with the tab. Enactment of this conference report will send a big signal toward those who would abuse our bankruptcy system that the free ride is over. I urge my colleagues to support this fair and reasonable compromise. Thank you.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Beware, senior citizens; beware, middle class working families; beware, hard-working farmers and ranchers. This bill, if enacted into law, could put them into debt for the rest of their life.

Mr. Speaker, this is a perfect example of a good idea, the idea of personal responsibility, being turned into a horrible bill in the last hours of this Congress behind closed doors by special interests who simply went too far.

Three points:

First of all, these were the words my Republican colleagues used about the Internal Revenue Service this year: dictatorial, unfair, arbitrary. And yet, incredibly, in this bill our Republican friends turn over the definition of necessary expenses, they turn over to the IRS the ability to put people in debt for the rest of their lives. They turn over to that IRS that they have been berating all year long. Incredibly, under this bill, the Internal Revenue Service could deny hard-working families the right to use their hard-earned money to pay for child care for their children, to pay for health care or other living expenses for their parents that live in their home. Our Republicans would allow the IRS under circumstances to exclude major health care expenses.

So, a hard-working family, a responsible family that has a $100,000 health care bill, could be determined by the IRS, be forced into bankruptcy, actually forced into debt rather, for the rest of their lives.

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

Mr. EDWARDS. I yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman from Texas is absolutely correct, and our hearing supported that. The gentleman from New York (Mr. NADLER), our ranking member, brought in witnesses to point this out without any shadow of a doubt. Anybody that tries to claim that child support payments are enhanced by the provisions in this bill really do not understand it.

Mr. EDWARDS. Absolutely.

This is a bad bill, Members. Vote no.

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

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to the provision on the child support concerns in this bill.

Mr. Speaker, I rise in opposition to this legislation and to associate my position with the position of Representative CLAY SHAW and the admirable work he has done on child support enforcement.

I want to register my opposition to the dropping in conference, which would have provided additional protection for a parent trying to recover child support monies by giving proper notification to the claimant parent.

While this conference agreement does state that "nothing shall prevent the payments of priority child support obligations," an additional provision, offered by Representative CLAY SHAW of Florida, would have required the bankruptcy "Master" to notify a claimant parent. I am sorry to see that this provision has been dropped.

I have a long history of standing up for child support enforcement, having been a pioneer on child support reforms and having served on the U.S. commission for Inter-State Child Support Enforcement.

It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called "enforcement gap"—the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion!

If this bill passes, I will continue to press for reforms legislation to ensure that claimant parents are not left out of the loop when it comes to being able to recover in child support cases. Mr. SHAWS reforms should be pursued. This bill seriously erodes that effott.

Mr. Speaker, I will cast my protest vote against this bill.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation here under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to compliment the gentleman from Pennsylvania (Mr. GEKAS) for all hard work in bringing about this conference report.

Much of what was in the original McCollum-Boucher bill and then later the McCollum-Gekas-Boucher-whatever bill, 3150, is in this report. The most important portion of it is the needs-based test. Granted, we have adopted a certain compromise to the Senate that allows for the judge to have a say over this, but there is a presumption that if somebody can repay their debt after following the formula that was in the House bill, to see if they can afford to repay their debt and have enough money left over to do it after deducting their expenses for secured credit items and for real living expenses and for child support and so forth, if once they have done that, then there is a presumption that they are not eligible for Chapter 7 if they have greater than the median family income, which is about $52,000 a year for a family of four, and they will have to file in Chapter 13 where they have to work out a repayment plan. I think that is an enormous reform of very great monument in this.

Also, the bill contains reforms to reduce repeat filings to prevent the gaming of the bankruptcy system such as running credit bills right before the filing for bankruptcy or filing and dismissing bankruptcies cases as a stalling tactic.

A crucial part of the conference report addresses the recent crisis in the financial markets. Title 10 accepts the Senate provision that deals with the so-called cross product netting provisions that is based on H.R. 4393 as it passed the House Committee on Banking and Financial Services. The bankruptcy code and the banking laws contain provisions that allow market participants to close out net and set off certain types of contracts when a counter party becomes insolvent. This feature allows us to reduce the opportunity for the failure of one entity to infect others. It also encourages market participants to engage in transactions that add market liquidity which leads to lower cost of capital.

I have a letter, Mr. Speaker, that is from the Secretary of the Treasury endorsing this provision. I would like to have it inserted in the RECORD at this time.

DEPARTMENT OF THE TREASURY,
Washington, DC, September 30, 1998.

Hon. GEORGE W. GEKAS,
Chairman, Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. GEKAS: I am writing to share the Administration's views on certain bankruptcy provisions in S. 1301, the bankruptcy reform bill before the conference committee, and related provisions in H.R. 4393, the "Financial Contract Netting Improvement Act of 1998."

The Administration supports the financial contract netting provisions in S. 1301. These provisions are based on a proposal from the President's Working Group on Financial Markets, which was the result of an intensive, multi-year interagency effort to improve the regime governing the recognition of netting of certain financial contracts in insolvency situations. As I noted when we transmitted our recommendations to Congress, the proposed legislation would reduce systemic risk in our financial markets, reducing the risk that a failure of a single firm would cause significant disruption and danger to our financial markets. In particular, this proposal will help to reduce systemic risk arising out of activities in the derivatives market.

The Administration also encourages the conferees to include similar provisions amending the bank insolvency laws, which are contained in H.R. 4393 as approved by the House Banking Committee. One of the goals of the Working Group effort was to harmonize, where appropriate, provisions under the Bankruptcy Code and the bank insolvency laws. The bank insolvency provisions in H.R. 4393 would accomplish that harmonization and would also clarify the power of the Federal Deposit Insurance Corporation to transfer qualified financial contracts to another financial institution. This clarification will help ensure that the resolution of a failed depository institution can be accomplished at the lowest possible cost to the deposit insurance funds administered by the FDIC.

We look forward to working with the conferees to enact these desirable reforms, in conjunction with moderate and balanced consumer bankruptcy reform legislation.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

The conferees struck a good balance between the House and Senate bills, I think, and I would like to also comment particularly on homestead exemption.

This conference report doubles the protections that were in the House bill. The new protection against abusive use of the exemption includes the requirement of a debtor to reside in a State for 2 years before they can take advantage of the State's exemptions, but there is no cap on the exemption, which is very important to States like Florida and Texas.

In addition, the conference report prohibits the conversion of nonexempt assets into exempt homestead property with the intent to defraud, which I think is also important to note, within 2 years of filing for bankruptcy. The bankruptcy exemptions should not be used as a means of hiding assets, and this provision would prevent such an abuse.

It has become clear that reform of the existing bankruptcy system is sorely in need. We know we have doubled the number of bankruptcies in the United States in the 10 years preceding this, and actually last year we had a 25 percent increase, or thereabouts, in the number of personal bankruptcies. Most people believe that is because people were taking advantage of Chapter 7 and filing pure bankruptcies in greater numbers than ever, and this conference report will solve that with a needs based test. I encourage the adoption of it, again commend the chairman again for his hard work.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank my colleague from New York for yielding this time for me and allowing me to speak in opposition to this ill-advised bill.

I want to support bankruptcy reform, but not this conference committee report. There are several provisions in this bill that prevent it from meeting its intended goal, and we have heard that from lots of Members, particularly Members from Texas, the homestead protection concerns we have, how it is affecting military personnel. But, worst of all, however, is that it is doing nothing to slow the growing trend of young people who have to file for bankruptcy each year. We are stopping or hindering the filing of bankruptcy on the inside, but we are not helping the front end. They change the law on bad business practices that allow the loose availabilty of credit to young people.

Let me give some examples. Big banks and credit card companies target teenagers and college students with little or no income, they get maxed out on their credit cards, and then they only pay the minimum balance. And so, with 15 or 18 percent interest, they are getting ready to graduate from college with that huge amount, and when

we add in their student loans that they owe, and that is bad business practices.

And I know that personally because I have two college students that have very little income, but they get blank checks in the mail from their credit card companies. Just sign up. Most of their friends in college are maxed out on their credit cards because they are having to do it. They have credit availability easy.

Let us make sure we have a bankruptcy farm bill, but let us also make the people who are making it available and making these young people graduate from college with such a debt load, they owe a responsibility to this bill, too, and it is not in this conference committee report.

We should not put that burden on the people who are the next generation of people who are going to be leading our country.

□ 1045

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH) who is the chairman of the Committee on Banking and Financial Services, but also he is the savior of this particular chairman. Last night, he saved us on the floor and, together with the gentleman from New York (Mr. NADLER), was able to pass the responsibility to the Committee on the Judiciary, which, by miscommunication, I was not able to handle.

Mr. LEACH. Mr. Speaker, I would like to just comment briefly on several provisions of this conference report that relate to items under the jurisdiction of the Committee on Banking and Financial Services.

The conference report contains an amendment to the Truth In Lending Act designed to protect consumers from having their credit lines revoked because they fully pay their outstanding debt in a timely manner. I support this change in law. It is individually counterintuitive and socially counterproductive that lenders establish incentives to pull credit from individuals who pay their debt on time.

The Senate, however, originally coupled this provision with a prohibition against creditors charging any type of fee with regard to an extension of credit in which no finance charge has been incurred.

While perhaps well-intended, this latter provision amounted to a public sector dictate and how the private sector should charge to goods and services. This price fixing provision would have frustrated responsible free market precepts and would have, if it had been enacted, resulted in reduction of credit provided to consumers.

Because of concern for this prohibition, many of us voted last week against a construction of conferees. It also included the earlier described issue. Now that the conferees have appropriately agreed to accept the first part of that instruction but not the second, I and many others who voted against this instruction enthusiastically support this provision.

In summary, let me just express again my appreciation to the gentleman from Pennsylvania (Chairman GEKAS) as well as the gentleman from Illinois (Chairman HYDE) and the rest of the conferees for their willingness to take the Committee on Banking and Financial Services' perspectives into consideration on the parts of the bill that rested within the jurisdiction of the Committee on Banking and Financial Services which, frankly, is not a major part of the bill.

Let me just stress that financial netting section which we worked out with the administration is of signal significance in this time of economic turmoil. This is a provision of the bill that is bipartisanly supported and strongly endorsed by the administration, and it is a signal reason that this bill should be considered at this particular very dicy period of time.

Mr. NADLER. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. NADLER) has 5½ minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 3 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. Speaker, will the gentleman yield?

Mr. LEACH. I am delighted to yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, on the provision that this House voted on the instructions to conferees, we said that the bank should not be able to cancel the credit card for the sin of the cardholder having paid on time, and they should not be able to charge an extra fee for that reason.

The gentleman stated correctly that the conference report eliminated the second provision, they can still charge an extra fee. But my understanding is that the conference report says that they can also cancel the card, albeit only at the end of the term, which is generally a year or two.

So what is left of this provision to not to penalize responsible borrowers?

Mr. LEACH. Mr. Speaker, reclaiming my time, the only basis for canceling the card is if the card would not be in use for better than a 3-month period. That is a fairly common sense circumstance. So a financial institution does not have to carry the cost of dealing with people who do not use their card.

Mr. NADLER. Mr. Speaker, if the gentleman will yield further, if the card was used but the bill is paid on time and with no interest, they could not cancel it?

Mr. LEACH. Mr. Speaker, reclaiming my time, that is correct. If the card is in actual use. It is only if the individual did not use the card could an institution pull it.

Mr. GEKAS. Mr. Speaker, I do not know where we stand parliamentarily.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) had the time. The gentleman from New York yielded to the gentleman from Iowa (Mr. LEACH).

Mr. GEKAS. Mr. Speaker, are we to close?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has the right to close.

Mr. GEKAS. Mr. Speaker, has the minority time expired?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 4½ minutes remaining.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of bankruptcy reform. I am a lead sponsor of this measure because the system is broken, and it is up to us to fix it.

What was once the option of last resort is becoming the preferred option of choice. A legislative fix is vital to distinguish between those who truly need a fresh start and those who want to game the system for personal advantage, those capable of assuming greater responsibility and making good on at least some of what they owe.

Mr. Speaker, unless we take the steps now to reform the bankruptcy system, while the economic times are good, we will not have the political resolve to fix it when they are not so good.

Trapped in a broken bankruptcy system where they lack the confidence that individual borrowers will be able to honor their payment commitments, lenders and creditors will have no choice but to restrict credit. We cannot let that happen.

Restricting credit during a downturn in the economy is exactly the opposite of what should happen. It is exactly the opposite in the national interest. It only deepens the severity of any recession and delays the eventual recovery.

Despite this country's strong economy, the rate of personal bankruptcy filings has increased dramatically. Last year, personal bankruptcy filings rose nearly 20 percent. They reached a record high of 1,400,000 filings. Think about it. More people filed for personal bankruptcy than graduated from college last year. What does that say about our country in a time of such prosperity?

We can vilify creditors and lenders and mortgage companies and credit card industry. I am glad to see the Truth in Lending Act was modified to include an important pro-consumer provision that I tried to offer here in the House. That provision will disclose

the full consequences of paying only the minimum monthly balance.

But while many of us would like to blame the credit cards industry for the sharp increase of bankruptcy filings, it is important to note that the credit card industry is not the impetus of the bankruptcy crisis.

The vast majority of individuals recognize their personal responsibility they take in using the credit card. More than 96 percent of credit card holders pay their bills as agreed to and only 1 percent ever end up in bankruptcy.

This is not an issue about credit cards trying to rip off people. Sure there is some unfairness, but that is not what we are having to deal with. Regardless about how one feels about yesterday's or today's creditors, the key issue before us is that many borrowers capable of repaying some or all of their obligations are not acting responsibly. That is what this is about. It is the principle of moral responsibility and personal obligation. That is why this legislation should pass.

Mr. NADLER. Mr. Speaker, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, in my continuing education program for the gentleman from Virginia, who is a dear friend of mine, the fact that more are going into bankruptcy is no proof that the bankruptcy laws are being abused. It is really evidence that the credit card industry is enticing millions into debt that the should not be, I say to the gentleman from Virginia (Mr. MORAN).

Mr. NADLER. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have many good friends in this chamber, and I would simply like to say, if the credit card companies would stop sending unsolicited questionnaires and applications to people who are now deceased and otherwise, we would not have this problem.

On the issue of child support, let me make it perfectly clear, the credit card debt now becomes nondischargeable. It survives after bankruptcy. It competes with that poor working parent who needs that child support for that child. Tell me, Mr. Speaker, who can survive the beating and repossession abilities of the credit card company over the child support. This is a bad bill.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 3¼ minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 30 seconds remaining. The gentleman from Pennsylvania has the right to close.

Mr. NADLER. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, a couple of comments. First, the gentleman from Virginia said that, if this bill does not pass, if we continue to have a bankruptcy crisis, the credit card companies, the banks are going to restrict credit to people who need it.

I suppose the fact that they will feel the need to restrict credit is evidenced by the fact that they are inundating people, inundating college students with credit card solicitations. I suppose the grave crisis is illustrated by the fact that the credit card departments or the banks are between two and three times more profitable than the banks as a whole. It is the profit center of the banks that shows what a terrible problem we have.

I will reiterate that the real cause of the problem of increased bankruptcy filings is simply that people are going more and more into debt. The average chapter 7 filer today is has debt equal to 125 percent of his income, 15 years ago, it was 74 percent, because he is trapped in paying high interest rates and has taken out too much credit.

This, to a large extent, is the fault of the companies that are inundating people with credit cards. That is the real problem. Simply saying that people who are in over their heads, that we should crack donor bankruptcy is the wrong solution to the wrong problem, to a misstated problem.

I heard the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA) from the other side of the aisle take exception to this bill because of the provisions on child support. I think the gentlewoman from New Jersey (Mrs. ROUKEMA), I think most of the Members of this House know that the gentlewoman from New Jersey (Mrs. ROUKEMA) knows the issues of support, of collection of child support probably better than most other Members of the House. She has been working in this area for years.

When the gentlewoman says that this bill will wreck, will increase the problem of child support collections, we should pay attention.

Mr. Speaker, I am going to introduce a motion to recommit. I have that motion at the desk, and I would like to simply explain it for a moment now.

The conference report would allow credit card companies and other consumer creditors to have their debts survive bankruptcy. That would mean that those debts would compete with child support, with spousal support, with debts to drunk driving victims, and other high priority debts after the bankruptcy case is over.

The motion to recommit will change that. The conferees stripped out important protections contained in the Senate bill which would have prevented creditors from using coercion and other illegal and unethical practices to obtain reaffirmation agreements in which debtors agree to repay debts which would otherwise be discharged in bankruptcy. We will deal with that in the motion to recommit.

Reaffirmed debts, because they survive bankruptcy, compete with child support and spousal support and other high priority debts, which already survive bankruptcy, for the scarce resources of the debtor after the case is over. As I mentioned a moment ago, we will deal with that problem.

The conferees also adopted broad exceptions to the discharge for credit card companies so that the high risk lending practices would have the same privilege status as support obligations and tax arrears, and we will deal with that in a motion to recommit.

The motion to recommit would restore important protections for families and small creditors that were dumped or gutted in the conference report. As I mentioned before, that based primarily on these disastrous changes to the Senate bill, the administration has indicated that the President will veto this bill, and well he should veto this bill.

We should sustain this veto unless the motion to recommit is granted and the provisions of that motion survive subsequent proceedings.

So I urge the Members to vote for the motion to recommit if they care about child support, if they care about spousal support, if they care about debts to drunk driving victims, if they care about payments to victims of crimes, all of which would be endangered by this.

So I urge my colleagues to vote for the motion to recommit and, if it does not pass, against this very unfortunate bill.

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

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

Mr. Speaker, it should be made clear that the support priorities that we have built into this conference report are endorsed by the National Association of Attorneys General who supervise all of these matters and by every major support organization in the country.

□ 1100

In fact, they tracked along with us as we moved towards this moment, and approved every set of provisions that we adopted along the way. So I am confident that support payments and family income are well protected in this legislation, as are the consumers in a whole litany of provisions that we have.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the conference report for H.R. 3150, the Bankruptcy Reform Act. In particular, this Member is supportive of the provision which permanently extends Chapter 12 bankruptcy for family farmers which would be retroactively applied to October 1, 1998.

First, this Member would thank the distinguished gentleman [Mr. GEKAS], Chairman of the Judiciary Subcommittee on Commercial

and Administrative Law from Pennsylvania, for introducing this bill and for his efforts in bringing the conference report for H.R. 3150 to the House Floor. This Member would also like to express his appreciation to the distinguished gentleman from Illinois [Mr. HYDE], the Chairman of the Judiciary Committee, for his efforts on this measure.

Unfortunately, Chapter 12 bankruptcy provisions for family farmers expired on September 30, 1998. Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is permanently extended. Moreover, this extension must also be retroactively applied since the Chapter 12 bankruptcy option for family farms has already expired on September 30, 1998. The provisions in the conference report of H.R. 3150 regarding Chapter 12 are essential.

If the President vetoes this conference report, as he has threatened to do, then this Member would ask the Judiciary Committee to advance legislation, through amendment or in stand-alone legislation, to provide for the immediate extension of Chapter 12 bankruptcy and to make such an extension retroactive to October 1, 1998.

In closing, this Member would encourage his support for H.R. 3150, the Conference Report on the Bankruptcy Reform Act.

Mr. LEACH. Mr. Speaker, I would like to comment briefly on those provisions of this conference report which amend laws under the jurisdiction of the Banking Committee.

The conference report contains an amendment to the Truth in Lending Act designed to protect consumers from having their credit line revoked because they fully pay their outstanding debt in a timely manner. I support this change in law. It is individually counter-intuitive and socially counter-productive that lenders establish incentives to pull credit away from individuals who pay their bills on time.

The Senate, however, originally coupled this provision with a prohibition against a creditor charging any type of fee with regard to an extension of credit on which no finance charge has been incurred. While perhaps well intended, this latter provision amounted to a public sector dictate on how the private sector should charge for goods and services.

This price fixing provision would have frustrated responsible free market precepts and would have, if it had been enacted, resulted in a reduction in credit provided consumers. Because of concern for this prohibition, many of us voted last week against an instruction of conferees that also included the earlier described issue. The conferees approximately agreed to accept the first part of the instruction but not the second. Hence, I and many others who voted against the instruction can now enthusiastically support the provision.

The conference report does include a number of other amendments designed to provide consumers more protections, including enhanced disclosures for credit card debt, which I also support.

In summary, Mr. Speaker, I want to express my appreciation to Chairman HYDE, Chairman GEKA'S and the rest of the conferees for their willingness to take the Banking Committee's views into consideration on those relatively small parts of the bill that fall under the jurisdiction of the committee. While there are parts of this bill such as those related to child support, which I believe are imperfect, as a whole it represents reasonable reform.

If the President vetoes this bill, he will also veto an approach it supports to better stabilize the shaky international economy and other Banking Committee provisions designed to protect consumers.

In this regard, Mr. Speaker, let me stress that the conference report incorporates the provisions of H.R. 4394, the "Financial Contract Netting Improvement Act of 1998", which the Committee on Banking and Financial Services reported to the full House on August 21, 1998.

These netting provisions were approved unanimously by the Banking Committee and are supported by Federal financial regulators and the Administration. They are designed to minimize the risk of a disruption within or between financial markets upon the insolvency of an entity with large holdings of qualified financial contracts. The near failure of Long-Term Capital Management LP highlights the need for the U.S. to further refine its bankruptcy and insolvency laws in order to avoid systemic risk to the nation's financial system in the event of a failure of a large bank, hedge fund, or securities firm with huge exposures to interest rate and currency swaps and other complex financial instruments.

Ms. LEE. Mr. Speaker, I rise to strongly oppose H.R. 3150, the Bankruptcy Reform Conference Report. I opposed the bill as a member of the House Committee on Banking and Financial Services when we voted on this measure in the House because it allows unscrupulous creditors to continue to exploit uninformed and naive borrowers.

There is a problem with increasing rates of bankruptcy, but this Conference report places the burden of a bad loan not on those who knowingly loan to people who are credit risks, but on those who are least able to recover should a personal disaster strike, like illness or job loss. Household debt has risen sharply and defaulting on payment is a serious problem but this bill does not reasonably address these problems. Instead, the bill allows the lender to effectively entrap a poor person who needs money to borrow beyond the safety point. The lending institutions are knowledgeable and sophisticated about the credit market and they do know to whom they are lending money. If this bill passes, the government and taxpayers will be forced to protect, by law, the lending institution, which has deliberately pushed a risky loan, at the expense of low-income American consumers.

Specifically, this bill will allow credit card companies and other consumer creditors to compete for repayment with child support, spousal support, debts to drunk driving victims, and other high-priority debts. The Conference Report strips important Senate bill consumer protections which limited undue coercion and the use of other strong-arm practices to force a debtor to repay.

This bill is blatantly unfair. It protects and even rewards businesses that use marginally safe lending guidelines and elevates their collection rights to the same privileged level as child support and tax arrears.

The President has correctly announced that he will veto this bill. It is also strongly opposed by the AFL–CIO, the Consumer Federation of America, Consumers Union, Public Citizen, the National Organization of Women, the Leadership Conference on Civil Rights, the Association of Trial Lawyers of America, the National Bankruptcy Conference, the Commercial Law League, the National Conference of Bankruptcy Judges, Mothers Against Drunk Driving, and the National Organization for Victim Assistance.

I believe that our function as legislators is to enact laws that are fair and that are reasonable, and I believe that we have an obligation to be aware of vast imbalances of power and to protect those who need protection from more powerful entities. I urge my colleagues to support the motion to recommit and to vote against the Conference Report on H.R. 3150.

Mr. CHABOT. Mr. Speaker, I rise in support of this Conference Report.

I would first like to thank Mr. HYDE, Mr. GEKAS, Mr. HATCH and the other members of the Conference Committee.

The current bankruptcy system, which this legislation seeks to reform, clearly discourages personal responsibility. Our bankruptcy laws often allow those who can afford to pay their bills to declare bankruptcy and walk away debt free instead. As a result, personal bankruptcies are skyrocketing. In fact, despite economic growth, low unemployment and rising incomes personal bankruptcies reached a record 1.4 million last year, and are projected to rise even further this year.

This places a terrible financial burden on consumers who are forced to pay higher prices for goods and services. In fact, the average family pays a $400 bad debt tax every year.

The Conference proposal is, I believe, substantial improvement over current law. This legislation will strengthen the bankruptcy code, reducing the number of "bankruptcies of convenience." I believe that the needs-based test that is implemented in this Conference Report will take substantial steps in reforming this system by reestablishing the link between one's ability to pay and ability to discharge debt.

The needs-based test is a balance between the House and Senate bills on this issue. It adopts the bright-line standards for measuring repayment capacity from the House bill, while

at the same time preserving the right of a debtor in bankruptcy to have a judge review his or her individual case so that their unique circumstances could be taken into account.

This legislation also cracks down on a number of ways in which debtors abuse the system bankruptcy. For example, it makes debts that are incurred to pay nondischargeable debts, such as taxes, would become nondischargeable, as well. In other words if a person uses a credit card to pay their income taxes, this legislation prohibits them from turning around and declaring bankruptcy, making the credit card company in effect pay their income taxes.

At the same time, however, it recognizes that there is some real need for the protections that bankruptcy offers, and it strengthens that protection. For example, it strengthens child support and alimony payments, making alimony and child support payments the first priority, not the 7th, as under current law.

Finally, while I believe that some sections of the House passed bill would have better addressed some of the problems with the bankruptcy laws, this strong, pro-consumer bill makes vital reforms to the bankruptcy system.

I urge my colleagues to support this legislation, Mr. Speaker, because it takes some significant steps in the right direction in restoring some personal responsibility to our bankruptcy laws, while protecting those who need the protections of bankruptcy.

I urge my colleagues to support this Conference Report, and I hope that the President will sign this important legislation, giving hard-working American families protection from those who abuse the bankruptcy system.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. NADLER. In its present form I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. NADLER moves to recommit the Conference Report on the bill H.R. 3150 to the Conference Committee with instructions that the Managers on the part of the House disagree to section 110 of the Conference Report and agree to section 210 and section 211 of the Senate Amendment; and disagree to section 149 of the Conference Report and agree to section 315 of the Senate Amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. NADLER. 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 adoption of the conference report.

Without objection, each of the 4 possible votes on postponed suspensions will be 5-minute votes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 157, nays 266, not voting 11, as follows:

[Roll No. 505]

YEAS—157

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fox
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wynn
Yates

NAYS—266

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
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
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berman
Burton
Cook
Goodling
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1122

Mrs. KELLY, Mrs. WILSON, and Messrs. BATEMAN, ROTHMAN, KNOLLENBERG, GILLMOR, WALSH, WICKER, WHITE and HYDE changed their vote from "yea" to "nay."

Messrs. HOLDEN, McNULTY, BORSKI, LIPINSKI, HASTINGS of Florida,

ETHERIDGE, MCHALE, and SPRATT changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the conference report.

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

RECORDED VOTE

Mr. NADLER. 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 300, noes 125, not voting 9, as follows:

[Roll No. 506]

AYES—300

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Velázquez
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—125

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Filner
Ford
Furse
Gejdenson
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Schumer
Scott
Serrano
Skaggs
Slaughter
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Towns
Traficant
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Yates

NOT VOTING—9

Berman
Fattah
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1130

The Clerk announced the following pairs:

Mr. DICKS and Ms. RIVERS changed their vote from "no" to "aye."

So the conference report 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. CUMMINGS. Mr. Speaker, on rollcall vote No. 506, my vote on agreeing to the conference report on H.R. 3150, the Bankruptcy Reform Act, I inadvertently voted "no," when I should have voted "aye."

An "aye" vote would have been consistent with my prior vote on June 10, 1990 when the bill passed the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier in the order in which the motion was entertained.

Votes will be taken in the following order:

House Resolution 565, by the yeas and nays;

H. Con. Res. 331, de novo;

House Resolution 557; by the yeas and nays; and

H.R. 3874, conference report, by the yeas and nays.

Under the previous order of today, the Chair will reduce to 5 minutes the time for any electronic vote in this series.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 565.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and agree to the resolution, H.Res. 565, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 507]

YEAS—424

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
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
Clayton
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
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
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
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
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
Riggs
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
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
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—10

Berman
Delahunt
Fowler
John
Kennelly
McDade
Poshard
Pryce (OH)
Tierney
Torres

□ 1140

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 507, I was inadvertently detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS REGARDING SEWAGE INFRASTRUCTURE FACILITIES IN TIJUANA, MEXICO

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 331.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 331.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 174, not voting 10, as follows:

[Roll No. 508]

AYES—250

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

NOES—174

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)

Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wynn
Yates

NOT VOTING—10

Berman
Fowler
Gephardt
John
Kennelly
McDade
Poshard
Pryce (OH)
Roemer
Tierney

□ 1149

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 508, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR U.S. GOVERNMENT EFFORTS TO IDENTIFY HOLOCAUST-ERA ASSETS, URGING THE RESTITUTION OF INDIVIDUAL AND COMMUNAL PROPERTY

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 557.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 557, 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—ayes 427, noes 0, not voting 7, as follows:

[Roll No. 509]

YEAS—427

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
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
Clayton
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
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
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
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
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
Riggs
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
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
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Berman
Fowler
John
Kennelly
Poshard
Pryce (OH)
Tierney

□ 1157

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 509, I was inadvertently detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 3874, WILLIAM F. GOODLING CHILD NUTRITION REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the conference report on the bill, H.R. 3874.

The Clerk read the title of the 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 agree to the conference report on the bill, H.R. 3874, 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—ayes 422, noes 1, not voting 11, as follows:

[Roll No. 510]

YEAS—422

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
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
Clayton
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
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
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
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
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
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
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
Riggs
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
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
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Berman
DeFazio
Doggett
John
Johnson (WI)
Kennelly
Lampson
Poshard
Pryce (OH)
Sherman
Tierney

□ 1205

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 346) to correct the enrollment of the bill H.R. 3150, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 346

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H. R. 3150), to amend title 11 of the United States Code, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In section 1014 of the bill, strike "Act" each place it appears and insert "title".

The concurrent 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 the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered today:

H.R. 4353; H.Res. 212; S. 1298; H.R. 4516; S. 191; S. 2235; and S. 2193.

S. 191—A bill to throttle criminal use of guns

S. 2235—A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers

S. 2193—Trademark Law Treaty Implementation Act

H.R. 4353—International Anti-Bribery and Fair Competition Act of 1998

H. Res. 212—recognizing suicide as a national problem

S. 1298—A bill to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building"

H.R. 4516—A bill to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the "Jacob Joseph Chestnut Post Office Building"

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4567) 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, as amended.

The Clerk read as follows:

H.R. 4567

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 "Medicare Home Health and Veterans Health Care Improvement 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—MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Sec. 101. Increase in per beneficiary limits and per visit payment limits for payment for home health services.

TITLE II—VETERANS MEDICARE ACCESS IMPROVEMENT

Sec. 201. Improvement in veterans' access to services.

TITLE III—AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

Sec. 301. Authorization of additional exceptions to imposition of penalties for providing inducements to beneficiaries.

TITLE IV—EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

Sec. 401. Expansion of membership of MedPAC to 17.

TITLE V—REVENUE OFFSET

Sec. 501. Revenue offset.

TITLE I—MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

SEC. 101. INCREASE IN PER BENEFICIARY LIMITS AND PER VISIT PAYMENT LIMITS FOR PAYMENT FOR HOME HEALTH SERVICES.

(a) INCREASE IN PER BENEFICIARY LIMITS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended—

(1) in the first sentence of clause (v), by inserting "subject to clause (viii)(I)," before "the Secretary";

(2) in clause (vi)(I), by inserting "subject to clauses (viii)(II) and (viii)(III)" after "fiscal year 1994"; and

(3) by adding at the end the following new clause:

"(viii)(I) In the case of a provider with a 12-month cost reporting period ending in fiscal year 1994, if the limit imposed under clause (v) (determined without regard to this subclause) for a cost reporting period beginning during or after fiscal year 1999 is less than the median described in clause (vi)(I) (but determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent'), the limit otherwise imposed under clause (v) for such provider and period shall be increased by ½ of such difference.

"(II) Subject to subclause (IV), for new providers and those providers without a 12-month cost reporting period ending in fiscal year 1994, but for which the first cost reporting period begins before fiscal year 1999, for cost reporting periods beginning during or after fiscal year 1999, the per beneficiary limitation described in clause (vi)(I) shall be equal to 50 percent of the median described in such clause plus 50 percent of the sum of 75 percent of such median and 25 percent of 98 percent of the standardized regional average of such costs for the agency's census division, described in clause (v)(I). However, in no case shall the limitation under this subclause be less than the median described in clause (vi)(I) (determined as if any reference in clause (v) to '98 percent' were a reference to '100 percent').

"(III) Subject to subclause (IV), in the case of a new home health agency for which the first cost reporting period begins during or after fiscal year 1999, the limitation applied under clause (vi)(I) (but only with respect to such provider) shall be equal to 75 percent of the median described in clause (vi)(I).

"(IV) In the case of a new provider or a provider without a 12-month cost reporting period ending in fiscal year 1994, subclause (II) shall apply, instead of subclause (III), to a home health agency which filed an application for home health agency provider status under this title before September 15, 1998, or which was approved as a branch of its parent agency before such date and becomes a subunit of the parent agency or a separate agency on or after such date.

"(V) Each of the amounts specified in subclauses (I) through (III) are such amounts as adjusted under clause (iii) to reflect variations in wages among different areas.".

(b) REVISION OF PER VISIT LIMITS.—Section 1861(v)(1)(L)(i) of such Act (42 U.S.C. 1395x(v)(1)(L)(i)) is amended—

(1) in subclause (III), by striking "or";

(2) in subclause (IV)—

(A) by inserting "and before October 1, 1998," after "October 1, 1997,"; and

(B) by striking the period at the end and inserting ", or"; and

(3) by adding at the end the following new subclause:

"(V) October 1, 1998, 108 percent of such median.".

(c) EXCLUSION OF ADDITIONAL PART B COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.—Section 1839 of such Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a)(3), by inserting "(except as provided in subsection (g))" after "year that"; and

(2) by adding at the end the following new subsection:

"(g) In estimating the benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for a year for purposes of determining the monthly premium rate under subsection (a)(3), the Secretary shall exclude an estimate of any benefits and administrative costs attributable to the application of section 1861(v)(1)(L)(viii) or to the establishment under section 1861(v)(1)(L)(i)(V) of a per visit limit at 108 percent of the median (instead of 105 percent of the median), but only to the extent payment for home health services under this title is not being made under section 1895 (relating to prospective payment for home health services).".

(d) REPORTS ON SUMMARY OF RESEARCH CONDUCTED BY THE SECRETARY ON THE PROSPECTIVE PAYMENT SYSTEM.—By not later than January 1, 1999, the Secretary of Health and Human Services shall submit to Congress a report on the following matters:

(1) RESEARCH.—A description of any research paid for by the Secretary on the development of a prospective payment system for home health services furnished under the medicare care program under title XVIII of the Social Security Act, and a summary of the results of such research.

(2) SCHEDULE FOR IMPLEMENTATION OF SYSTEM.—The Secretary's schedule for the implementation of the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(3) ALTERNATIVE TO 15 PERCENT REDUCTION IN LIMITS.—The Secretary's recommendations for one or more alternative means to provide for savings equivalent to the savings estimated to be made by the mandatory 15 percent reduction in payment limits for such home health services for fiscal year 2000 under section 1895(b)(3)(A) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)), or, in the case the Secretary does not establish and implement such prospective payment system, under section 4603(e) of the Balanced Budget Act of 1997.

(e) MEDPAC REPORTS.—

(1) REVIEW OF SECRETARY'S REPORT.—Not later than 60 days after the date the Secretary of Health and Human Services submits to Congress the report under subsection (d), the Medicare Payment Advisory Commission (established under section 1805 of the Social Security Act (42 U.S.C. 1395b-6)) shall submit to Congress a report describing the Commission's analysis of the Secretary's report, and shall include the Commission's recommendations with respect to the matters contained in such report.

(2) ANNUAL REPORT.—The Commission shall include in its annual report to Congress for June 1999 an analysis of whether changes in law made by the Balanced Budget Act of 1997, as modified by the amendments made by this section, with respect to payments for home health services furnished under the medicare program under title XVIII of the Social Security Act impede access to such services by individuals entitled to benefits under such program.

(f) GAO AUDIT OF RESEARCH EXPENDITURES.—The Comptroller General of the United States shall conduct an audit of sums obligated or expended by the Health Care Financing Administration for the research described in subsection (d)(1), and of the data, reports, proposals, or other information provided by such research.

(g) PROMPT IMPLEMENTATION.—The Secretary of Health and Human Services shall promptly issue (without regard to chapter 8 of title 5, United States Code) such regulations or program memoranda as may be necessary to effect the amendments made by this section for cost reporting periods beginning on or after October 1, 1998. In effecting the amendments made by subsection (a) for cost reporting periods beginning in fiscal year 1999, the "median" referred to in section 1861(v)(1)(L)(vi)(I) of the Social Security Act for such periods shall be the national standardized per beneficiary limitation specified in Table 3C published in the Federal Register on August 11, 1998, (63 FR 42926) and the "standardized regional average of such

costs" referred to in section 1861(v)(1)(L)(v)(I) of such Act for a census division shall be the sum of the labor and nonlabor components of the standardized per-beneficiary limitation for that census division specified in Table 3B published in the Federal Register on that date (63 FR 42926) (or in Table 3D as so published with respect to Puerto Rico and Guam).

TITLE II—VETERANS MEDICARE ACCESS IMPROVEMENT

SEC. 201. IMPROVEMENT IN VETERANS' ACCESS TO SERVICES.

(a) IN GENERAL.—Title XVIII of the Social Security Act, as amended by sections 4603, 4801, and 4015(a) of the Balanced Budget Act of 1997, is amended by adding at the end the following:

"IMPROVING VETERANS' ACCESS TO SERVICES

"SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) ADMINISTERING SECRETARIES.—The term 'administering Secretaries' means the Secretary of Health and Human Services and the Secretary of Veterans Affairs acting jointly.

"(2) PROGRAM.—The term 'program' means the program established under this section with respect to category A medicare-eligible veterans.

"(3) DEMONSTRATION PROJECT; PROJECT.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section with respect to category C medicare-eligible veterans.

"(4) MEDICARE-ELIGIBLE VETERANS.—

"(A) CATEGORY A MEDICARE-ELIGIBLE VETERAN.—The term 'category A medicare-eligible veteran' means an individual—

"(i) who is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in paragraph (1) or (2) of section 1710(a) of title 38, United States Code;

"(ii) who is entitled to hospital insurance benefits under part A of the medicare program and is enrolled in the supplementary medical insurance program under part B of the medicare program; and

"(iii) for whom the medical center of the Department of Veterans Affairs that is closest to the individual's place of residence is geographically remote or inaccessible from such place.

"(B) CATEGORY C MEDICARE-ELIGIBLE VETERAN.—The term 'category C medicare-eligible veteran' means an individual who—

"(i) is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in section 1710(a)(3) of title 38, United States Code; and

"(ii) is entitled to hospital insurance benefits under part A of the medicare program and is enrolled in the supplementary medical insurance program under part B of the medicare program.

"(5) MEDICARE HEALTH CARE SERVICES.—The term 'medicare health care services' means items or services covered under part A or B of this title.

"(6) TRUST FUNDS.—The term 'trust funds' means the Federal Hospital Insurance Trust Fund established in section 1817 and the Federal Supplementary Medical Insurance Trust Fund established in section 1841.

"(b) PROGRAM AND DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—The administering Secretaries are authorized to establish—

"(i) a program (under an agreement entered into by the administering Secretaries) under which the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to category A medicare-eligible veterans; and

"(ii) a demonstration project (under such an agreement) under which the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to category C medicare-eligible veterans.

"(B) AGREEMENT.—The agreement entered into under subparagraph (A) shall include at a minimum—

"(i) a description of the benefits to be provided to the participants of the program and the demonstration project established under this section;

"(ii) a description of the eligibility rules for participation in the program and demonstration project, including any cost sharing requirements;

"(iii) a description of the process for enrolling veterans for participation in the program, which process may, to the extent practicable, be administered in the same or similar manner to the registration process established to implement section 1705 of title 38, United States Code;

"(iv) a description of how the program and the demonstration project will satisfy the requirements under this title;

"(v) a description of the sites selected under paragraph (2);

"(vi) a description of how reimbursement requirements under subsection (g) and maintenance of effort requirements under subsection (h) will be implemented in the program and in the demonstration project;

"(vii) a statement that all data of the Department of Veterans Affairs and of the Department of Health and Human Services that the administering Secretaries determine is necessary to conduct independent estimates and audits of the maintenance of effort requirement, the annual reconciliation, and related matters required under the program and the demonstration project shall be available to the administering Secretaries;

"(viii) a description of any requirement that the Secretary of Health and Human Services waives pursuant to subsection (d);

"(ix) a requirement that the Secretary of Veterans Affairs undertake and maintain outreach and marketing activities, consistent with capacity limits under the program, for category A medicare-eligible veterans;

"(x) a description of how the administering Secretaries shall conduct the data matching program under subparagraph (F), including the frequency of updates to the comparisons performed under subparagraph (F)(ii); and

"(xi) a statement by the Secretary of Veterans Affairs that the type or amount of health care services furnished under chapter 17 of title 38, United States Code, to veterans who are entitled to benefits under part A or enrolled under part B, or both, shall not be reduced by reason of the program or project.

"(C) COST-SHARING UNDER DEMONSTRATION PROJECT.—Notwithstanding any provision of title 38, United States Code, in order—

"(i) to maintain and broaden access to services,

"(ii) to encourage appropriate use of services, and

"(iii) to control costs,

the Secretary of Veterans Affairs may establish enrollment fees and copayment requirements under the demonstration project under this section consistent with subsection (d)(1). Such fees and requirements may vary based on income.

"(D) HEALTH CARE BENEFITS.—The administering Secretaries shall prescribe the minimum health care benefits to be provided under the program and demonstration project to medicare-eligible veterans enrolled in the program or project. Those benefits shall include at least all medicare health care services covered under this title.

"(E) ESTABLISHMENT OF SERVICE NETWORKS.—

"(i) USE OF VA OUTPATIENT CLINICS.—The Secretary of Veterans Affairs, to the extent practicable, shall use outpatient clinics of the Department of Veterans Affairs in providing services under the program.

"(ii) AUTHORITY TO CONTRACT FOR SERVICES.—The Secretary of Veterans Affairs may enter into contracts and arrangements with entities (such as private practitioners, providers of services, preferred provider organizations, and health care plans) for the provision of services for which the Secretary of Health and Human Services is responsible under the program or project under this section and shall take into account the existence of qualified practitioners and providers in the areas in which the program or project is being conducted. Under such contracts and arrangements, such Secretary of Health and Human Services may require the entities to furnish such information as such Secretary may require to carry out this section.

"(F) DATA MATCH.—

"(i) ESTABLISHMENT OF DATA MATCHING PROGRAM.—The administering Secretaries shall establish a data matching program under which there is an exchange of information of the Department of Veterans Affairs and of the Department of Health and Human Services as is necessary to identify veterans who are entitled to benefits under part A or enrolled under part B, or both, in order to carry out this section. The provisions of section 552a of title 5, United States Code, shall apply with respect to such matching program only to the extent the administering Secretaries find it feasible and appropriate in carrying out this section in a timely and efficient manner.

"(ii) PERFORMANCE OF DATA MATCH.—The administering Secretaries, using the data matching program established under clause (i), shall perform a comparison in order to identify veterans who are entitled to benefits under part A or enrolled under part B, or both. To the extent such Secretaries deem appropriate to carry out this section, the comparison and identification may distinguish among such veterans by category of veterans, by entitlement to benefits under this title, or by other characteristics.

"(iii) DEADLINE FOR FIRST DATA MATCH.—The administering Secretaries shall first perform a comparison under clause (ii) by not later than October 31, 1998.

"(iv) CERTIFICATION BY INSPECTOR GENERAL.—

"(I) IN GENERAL.—The administering Secretaries may not conduct the program unless the Inspector General of the Department of Health and Human Services certifies to Congress that the administering Secretaries have established the data matching program under clause (i) and have performed a comparison under clause (ii).

"(II) DEADLINE FOR CERTIFICATION.—Not later than December 15, 1998, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

"(2) NUMBER OF SITES.—The program and demonstration project shall be conducted in

geographic service areas of the Department of Veterans Affairs, designated jointly by the administering Secretaries after review of all such areas, as follows:

"(A) PROGRAM SITES.—

"(i) IN GENERAL.—Except as provided in clause (ii), the program shall be conducted in not more than 3 such areas with respect to category A medicare-eligible veterans.

"(ii) ADDITIONAL PROGRAM SITES.—Subject to the certification required under subsection (h)(1)(B)(iii), for a year beginning on or after January 1, 2003, the program shall be conducted in such areas as are designated jointly by the administering Secretaries after review of all such areas.

"(B) PROJECT SITES.—

"(i) IN GENERAL.—The demonstration project shall be conducted in not more than 3 such areas with respect to category C medicare-eligible veterans.

"(ii) MANDATORY SITE.—At least one of the areas designated under clause (i) shall encompass the catchment area of a military medical facility which was closed pursuant to either the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) RESTRICTION.—Funds from the program or demonstration project shall not be used for—

"(A) the construction of any treatment facility of the Department of Veterans Affairs; or

"(B) the renovation, expansion, or other construction at such a facility.

"(4) DURATION.—The administering Secretaries shall conduct and implement the program and the demonstration project as follows:

"(A) PROGRAM.—

"(i) IN GENERAL.—The program shall begin on January 1, 2000, in the sites designated under paragraph (2)(A)(i) and, subject to subsection (h)(1)(B)(iii)(II), for a year beginning on or after January 1, 2003, the program may be conducted in such additional sites designated under paragraph (2)(A)(ii).

"(ii) LIMITATION ON NUMBER OF VETERANS COVERED UNDER CERTAIN CIRCUMSTANCES.—If for a year beginning on or after January 1, 2003, the program is conducted only in the sites designated under paragraph (2)(A)(i), medicare health care services may not be provided under the program to a number of category-A medicare-eligible veterans that exceeds the aggregate number of such veterans covered under the program as of December 31, 2002.

"(B) PROJECT.—The demonstration project shall begin on January 1, 1999, and end on December 31, 2001.

"(C) IMPLEMENTATION.—The administering Secretaries may implement the program and demonstration project through the publication of regulations that take effect on an interim basis, after notice and pending opportunity for public comment.

"(5) REPORTS.—

"(A) PROGRAM.—By not later than September 1, 1999, the administering Secretaries shall submit a copy of the agreement entered into under paragraph (1) with respect to the program to Congress.

"(B) PROJECT.—By not later than November 1, 1998, the administering Secretaries shall submit a copy of the agreement entered into under paragraph (1) with respect to the project to Congress.

"(6) REPORT ON MAINTENANCE OF LEVEL OF HEALTH CARE SERVICES.—

"(A) IN GENERAL.—The Secretary of Veterans Affairs may not implement the program at a site designated under paragraph (2)(A) unless, by not later than 90 days before the date of the implementation, the Secretary of Veterans Affairs submits to Congress and to the Comptroller General of the United States a report that contains the information described in subparagraph (B). The Secretary of Veterans Affairs shall periodically update the report under this paragraph as appropriate.

"(B) INFORMATION DESCRIBED.—For purposes of subparagraph (A), the information described in this subparagraph is a description of the operation of the program at the site and of the steps to be taken by the Secretary of Veterans Affairs to prevent the reduction of the type or amount of health care services furnished under chapter 17 of title 38, United States Code, to veterans who are entitled to benefits under part A or enrolled under part B, or both, within the geographic service area of the Department of Veterans Affairs in which the site is located by reason of the program or project.

"(c) CREDITING OF PAYMENTS.—A payment received by the Secretary of Veterans Affairs under the program or demonstration project shall be credited to the applicable Department of Veterans Affairs medical care appropriation (and within that appropriation). Any such payment received during a fiscal year for services provided during a prior fiscal year may be obligated by the Secretary of Veterans Affairs during the fiscal year during which the payment is received.

"(d) APPLICATION OF CERTAIN MEDICARE REQUIREMENTS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), the program and the demonstration project shall meet all requirements of Medicare+Choice plans under part C and regulations pertaining thereto, and other requirements for receiving medicare payments, except that the prohibition of payments to Federal providers of services under sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a) shall not apply.

"(B) WAIVER.—Except as provided in paragraph (2), the Secretary of Health and Human Services is authorized to waive any requirement described under subparagraph (A), or approve equivalent or alternative ways of meeting such a requirement, but only if such waiver or approval—

"(i) reflects the unique status of the Department of Veterans Affairs as an agency of the Federal Government; and

"(ii) is necessary to carry out the program or demonstration project.

"(2) BENEFICIARY PROTECTIONS AND OTHER MATTERS.—The program and the demonstration project shall comply with the requirements of part C of this title that relate to beneficiary protections and other matters, including such requirements relating to the following areas, to the extent not inconsistent with subsection (b)(1)(B)(iii):

"(A) Enrollment and disenrollment.

"(B) Nondiscrimination.

"(C) Information provided to beneficiaries.

"(D) Cost-sharing limitations.

"(E) Appeal and grievance procedures.

"(F) Provider participation.

"(G) Access to services.

"(H) Quality assurance and external review.

"(I) Advance directives.

"(J) Other areas of beneficiary protections that the administering Secretaries determine are applicable to such program or project.

"(e) INSPECTOR GENERAL.—Nothing in the agreement entered into under subsection (b) shall limit the Inspector General of the Department of Health and Human Services from investigating any matters regarding the expenditure of funds under this title for the program and demonstration project, including compliance with the provisions of this title and all other relevant laws.

"(f) VOLUNTARY PARTICIPATION.—Participation of a category A medicare-eligible veteran in the program or category C medicare-eligible veteran in the demonstration project shall be voluntary.

"(g) PAYMENTS BASED ON REGULAR MEDICARE PAYMENT RATES.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary of Health and Human Services shall reimburse the Secretary of Veterans Affairs for services provided under the program or demonstration project at a rate equal to 95 percent of the amount paid to a Medicare+Choice organization under part C of this title with respect to such an enrollee. In cases in which a payment amount may not otherwise be readily computed, the Secretary of Health and Human Services shall establish rules for computing equivalent or comparable payment amounts.

"(2) EXCLUSION OF CERTAIN AMOUNTS.—In computing the amount of payment under paragraph (1), the following shall be excluded:

"(A) SPECIAL PAYMENTS.—Any amount attributable to an adjustment under subparagraphs (B) and (F) of section 1886(d)(5) and subsection (h) of such section.

"(B) PERCENTAGE OF CAPITAL PAYMENTS.—An amount determined by the administering Secretaries for amounts attributable to payments for capital-related costs under subsection (g) of such section.

"(3) PERIODIC PAYMENTS FROM MEDICARE TRUST FUNDS.—Payments under this subsection shall be made—

"(A) on a periodic basis consistent with the periodicity of payments under this title; and

"(B) in appropriate part, as determined by the Secretary of Health and Human Services, from the trust funds.

"(4) CAP ON REIMBURSEMENT AMOUNTS.—The aggregate amount to be reimbursed under this subsection pursuant to the agreement entered into between the administering Secretaries under subsection (b) is as follows:

"(A) PROGRAM.—With respect to category A medicare-eligible veterans, such aggregate amount shall not exceed—

"(i) for 2000, a total of $50,000,000;

"(ii) for 2001, a total of $75,000,000; and

"(iii) subject to subparagraph (B), for 2002 and each succeeding year, a total of $100,000,000.

"(B) EXPANSION OF PROGRAM.—If for a year beginning on or after January 1, 2003, the program is conducted in sites designated under subsection (b)(2)(A)(ii), the limitation under subparagraph (A)(iii) shall not apply to the program for such a year.

"(C) PROJECT.—With respect to category C medicare-eligible veterans, such aggregate amount shall not exceed a total of $50,000,000 for each of calendar years 1999 through 2001.

"(h) MAINTENANCE OF EFFORT.—

"(1) MONITORING EFFECT OF PROGRAM AND DEMONSTRATION PROJECT ON COSTS TO MEDICARE PROGRAM.—

"(A) IN GENERAL.—The administering Secretaries, in consultation with the Comptroller General of the United States, shall closely monitor the expenditures made under this title for category A and C medicare-eligible veterans compared to the expenditures

that would have been made for such veterans if the program and demonstration project had not been conducted. The agreement entered into by the administering Secretaries under subsection (b) shall require the Department of Veterans Affairs to maintain overall the level of effort for services covered under this title to such categories of veterans by reference to a base year as determined by the administering Secretaries.

"(B) DETERMINATION OF MEASURE OF COSTS OF MEDICARE HEALTH CARE SERVICES.—

"(i) IMPROVEMENT OF INFORMATION MANAGEMENT SYSTEM.—Not later than October 1, 2001, the Secretary of Veterans Affairs shall improve its information management system such that, for a year beginning on or after January 1, 2002, the Secretary of Veterans Affairs is able to identify costs incurred by the Department of Veterans Affairs in providing medicare health care services to medicare-eligible veterans for purposes of meeting the requirements with respect to maintenance of effort under an agreement under subsection (b)(1)(A).

"(ii) IDENTIFICATION OF MEDICARE HEALTH CARE SERVICES.—The Secretary of Health and Human Services shall provide such assistance as is necessary for the Secretary of Veterans Affairs to determine which health care services furnished by the Secretary of Veterans Affairs qualify as medicare health care services.

"(iii) CERTIFICATION BY HHS INSPECTOR GENERAL.—

"(I) REQUEST FOR CERTIFICATION.—The Secretary of Veterans Affairs may request the Inspector General of the Department of Health and Human Services to make a certification to Congress that the Secretary of Veterans Affairs has improved its management system under clause (i) such that the Secretary of Veterans Affairs is able to identify the costs described in such clause in a reasonably reliable and accurate manner.

"(II) REQUIREMENT FOR EXPANSION OF PROGRAM.—The program may be conducted in the additional sites under paragraph (2)(A)(ii) and cover such additional category A medicare eligible veterans in such additional sites only if the Inspector General of the Department of Health and Human Services has made the certification described in subclause (I).

"(III) DEADLINE FOR CERTIFICATION.—Not later than the date that is the earlier of the date that is 60 days after the Secretary of Veterans Affairs requests a certification under subclause (I) or June 1, 2002, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

"(C) MAINTENANCE OF LEVEL OF EFFORT.—

"(i) REPORT BY SECRETARY OF VETERANS AFFAIRS ON BASIS FOR CALCULATION.—Not later than the date that is 60 days after the date on which the administering Secretaries enter into an agreement under subsection (b)(1)(A), the Secretary of Veterans Affairs shall submit a report to Congress and the Comptroller General of the United States explaining the methodology used and basis for calculating the level of effort of the Department of Veterans Affairs under the program and project.

"(ii) REPORT BY COMPTROLLER GENERAL.—Not later than the date that is 180 days after the date described in clause (i), the Comptroller General of the United States shall submit to Congress and the administering Secretaries a report setting forth the Comptroller General's findings, conclusion, and recommendations with respect to the report submitted by the Secretary of Veterans Affairs under clause (i).

"(iii) RESPONSE BY SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall submit to Congress not later than 60 days after the date described in clause (ii) a report setting forth such Secretary's response to the report submitted by the Comptroller General under clause (ii).

"(D) ANNUAL REPORT BY THE COMPTROLLER GENERAL.—Not later than December 31 of each year during which the program and demonstration project is conducted, the Comptroller General of the United States shall submit to the administering Secretaries and to Congress a report on the extent, if any, to which the costs of the Secretary of Health and Human Services under the medicare program under this title increased during the preceding fiscal year as a result of the program or demonstration project.

"(2) REQUIRED RESPONSE IN CASE OF INCREASE IN COSTS.—

"(A) IN GENERAL.—If the administering Secretaries find, based on paragraph (1), that the expenditures under the medicare program under this title increased (or are expected to increase) during a fiscal year because of the program or demonstration project, the administering Secretaries shall take such steps as may be needed—

"(i) to recoup for the medicare program the amount of such increase in expenditures; and

"(ii) to prevent any such increase in the future.

"(B) STEPS.—Such steps—

"(i) under subparagraph (A)(i) shall include payment of the amount of such increased expenditures by the Secretary of Veterans Affairs from the current medical care appropriation for the Department of Veterans Affairs to the trust funds; and

"(ii) under subparagraph (A)(ii) shall include lowering the amount of payment under the program or project under subsection (g)(1), and may include, in the case of the demonstration project, suspending or terminating the project (in whole or in part).

"(i) EVALUATION AND REPORTS.—

"(1) INDEPENDENT EVALUATION BY GAO.—

"(A) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the program and an evaluation of the demonstration project, and shall submit annual reports on the program and demonstration project to the administering Secretaries and to Congress.

"(B) FIRST REPORT.—The first report for the program or demonstration project under subparagraph (A) shall be submitted not later than 12 months after the date on which the Secretary of Veterans Affairs first provides services under the program or project, respectively.

"(C) FINAL REPORT ON DEMONSTRATION PROJECT.—A final report shall be submitted with respect to the demonstration project not later than 3½ years after the date of the first report on the project under subparagraph (B).

"(D) CONTENTS.—The evaluation and reports under this paragraph for the program or demonstration project shall include an assessment, based on the agreement entered into under subsection (b), of the following:

"(i) Any savings or costs to the medicare program under this title resulting from the program or project.

"(ii) The cost to the Department of Veterans Affairs of providing care to category A medicare-eligible veterans under the program or to category C medicare-eligible veterans under the demonstration project, respectively.

"(iii) An analysis of how such program or project affects the overall accessibility of medical care through the Department of Veterans Affairs, and a description of the unintended effects (if any) upon the patient enrollment system under section 1705 of title 38, United States Code.

"(iv) Compliance by the Department of Veterans Affairs with the requirements under this title.

"(v) The number of category A medicare-eligible veterans or category C medicare-eligible veterans, respectively, opting to participate in the program or project instead of receiving health benefits through another health insurance plan (including benefits under this title).

"(vi) A list of the health insurance plans and programs that were the primary payers for medicare-eligible veterans during the year prior to their participation in the program or project, respectively, and the distribution of their previous enrollment in such plans and programs.

"(vii) Any impact of the program or project, respectively, on private health care providers and beneficiaries under this title that are not enrolled in the program or project.

"(viii) An assessment of the access to care and quality of care for medicare-eligible veterans under the program or project, respectively.

"(ix) An analysis of whether, and in what manner, easier access to medical centers of the Department of Veterans Affairs affects the number of category A medicare-eligible veterans or C medicare-eligible veterans, respectively, receiving medicare health care services.

"(x) Any impact of the program or project, respectively, on the access to care for category A medicare-eligible veterans or C medicare-eligible veterans, respectively, who did not enroll in the program or project and for other individuals entitled to benefits under this title.

"(xi) A description of the difficulties (if any) experienced by the Department of Veterans Affairs in managing the program or project, respectively.

"(xii) Any additional elements specified in the agreement entered into under subsection (b).

"(xiii) Any additional elements that the Comptroller General of the United States determines is appropriate to assess regarding the program or project, respectively.

"(2) REPORTS BY SECRETARIES ON PROGRAM AND DEMONSTRATION PROJECT WITH RESPECT TO MEDICARE-ELIGIBLE VETERANS.—

"(A) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the submission of the final report by the Comptroller General of the United States on the demonstration project under paragraph (1)(C), the administering Secretaries shall submit to Congress a report containing their recommendation as to—

"(i) whether there is a cost to the health care program under this title in conducting the demonstration project;

"(ii) whether to extend the demonstration project or make the project permanent; and

"(iii) whether the terms and conditions of the project should otherwise be continued (or modified) with respect to medicare-eligible veterans.

"(B) PROGRAM.—Not later than 6 months after the date of the submission of the report by the Comptroller General of the United States on the third year of the operation of

the program, the administering Secretaries shall submit to Congress a report containing their recommendation as to—

"(i) whether there is a cost to the health care program under this title in conducting the program under this section;

"(ii) whether to discontinue the program with respect to category A medicare-eligible veterans; and

"(iii) whether the terms and conditions of the program should otherwise be continued (or modified) with respect to medicare-eligible veterans.

"(j) APPLICATION OF MEDIGAP PROTECTIONS TO DEMONSTRATION PROJECT ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) shall apply to enrollment (and termination of enrollment) in the demonstration project, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) In applying paragraph (1)—

"(A) any reference in clause (v) or (vi) of section 1882(s)(3)(B) to 12 months is deemed a reference to 36 months; and

"(B) the notification required under section 1882(s)(3)(D) shall be provided in a manner specified by the Secretary of Veterans Affairs.".

(b) REPEAL OF PLAN REQUIREMENT.—Subsection (b) of section 4015 of the Balanced Budget Act of 1997 (relating to an implementation plan for Veterans subvention) is repealed.

(c) REPORT TO CONGRESS ON A METHOD TO INCLUDE THE COSTS OF VETERANS AFFAIRS AND MILITARY FACILITY SERVICES TO MEDICARE-ELIGIBLE BENEFICIARIES IN THE CALCULATION OF MEDICARE+CHOICE PAYMENT RATES.—The Secretary of Health and Human Services shall report to the Congress by not later than January 1, 2001, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs or the Department of Defense to medicare-eligible beneficiaries in the calculation of an area's Medicare+Choice capitation payment. Such report shall include on a county-by- county basis—

(1) the actual or estimated cost of such services to medicare-eligible beneficiaries;

(2) the change in Medicare+Choice capitation payment rates if such costs are included in the calculation of payment rates;

(3) one or more proposals for the implementation of payment adjustments to Medicare+Choice plans in counties where the payment rate has been affected due to the failure to calculate the cost of such services to medicare-eligible beneficiaries; and

(4) a system to ensure that when a Medicare+Choice enrollee receives covered services through a facility of the Department of Veterans Affairs or the Department of Defense there is an appropriate payment recovery to the medicare program.

TITLE III—AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

SEC. 301. AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR PROVIDING INDUCEMENTS TO BENEFICIARIES.

(a) IN GENERAL.—Subparagraph (B) of section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a-7a(i)(6)) is amended to read as follows:

"(B) any permissible practice described in any subparagraph of section 1128B(b)(3) or in regulations issued by the Secretary;".

(b) EXTENSION OF ADVISORY OPINION AUTHORITY.—Section 1128D(b)(2)(A) of such Act (42 U.S.C. 1320a-7d(b)(2)(A)) is amended by inserting "or section 1128A(i)(6)" after "1128B(b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) INTERIM FINAL RULEMAKING AUTHORITY.—The Secretary of Health and Human Services may promulgate regulations that take effect on an interim basis, after notice and pending opportunity for public comment, in order to implement the amendments made by this section in a timely manner.

TITLE IV—EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

SEC. 401. EXPANSION OF MEMBERSHIP OF MEDPAC TO 17.

(a) IN GENERAL.—Section 1805(c)(1) of the Social Security Act (42 U.S.C. 1395b-6(c)(1)), as added by section 4022 of the Balanced Budget Act of 1997, is amended by striking "15" and inserting "17".

(b) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission (under section 1805(c)(3) of such Act (42 U.S.C. 1395b-6(c)(3)), the initial terms of the two additional members of the Commission provided for by the amendment under subsection (a) are as follows:

(A) One member shall be appointed for one year.

(B) One member shall be appointed for two years.

(2) COMMENCEMENT OF TERMS.—Such terms shall begin on May 1, 1999.

TITLE V—REVENUE OFFSET

SEC. 501. REVENUE OFFSET.

(a) IN GENERAL.—Subparagraph (B) of section 408A(c)(3) of the Internal Revenue Code of 1986 is amended by striking "relates" and all that follows and inserting "relates, the taxpayer's adjusted gross income exceeds $145,000 ($290,000 in the case of a joint return)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after December 31, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that 8 of those 20 minutes in the affirmative be controlled by the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health of the Committee on Commerce.

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

There was no objection.

GENERAL LEAVE

Mr. THOMAS. 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. 4567.

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 4567, is one that is needed for a number of reasons. Most people will probably focus on what they consider to be the major provision, and that is a modification in the home health care payment structure.

In the Balanced Budget Act of 1997, after extensive negotiations with the administration, we were able to get the administration to change their 100 percent structure to a blended arrangement which we thought would at least modify the perniciousness of the administration's approach. We could not get them to go farther. That position became the interim payment structure that we are operating under now. Once we were able to examine what the administration really wanted, we discovered that it was lacking in a number of provisions in assisting on a broad base home health care agencies previously established, newly established and between States.

Not only was it not adequate in its interim payment structure form, but we were told in August by the Health Care Financing Administration that, because of their computers' difficulties with the year 2000 problem, they would not be able to honor the date that they said the prospective payment system replacing the interim payment system would go into effect. What ensued was a series of negotiations among all of those parties affected, and a bill was passed through the Committee on Ways and Means, modified by the Committee on Commerce's concerns and with the administration as a full partner to make sure that anything that we proposed could actually be carried out by the administration because of the year 2000 computer problems.

We have in front of us, I believe, a solution in which there are no losers. One of the difficulties is that many of the proposals basically robbed Peter to pay Paul, revenue neutral. Even if they added money to the pot, it was clear that it was only perpetuating an unfair system. Although we perhaps add more money than I would have liked to have added to the overall pot to solve the problem, the most important provision is that it treats those who are most in need fairly, and that is essential, I think, if in these latter days we are able to move this legislation.

A second provision of this bill is a veterans' subvention program. The Department of Defense has a Medicare subvention demonstration program. We were anxious to involve the veterans. This is a perfected veterans' subvention program.

There are basically two categories of veterans. The category C are those who are relatively well off, vis-a-vis the category A veterans, and who do not have service-related disabilities. The

primary focus is on the category A veterans. There is a real problem in this area. We believe that this provision is a worthwhile one. It is a demonstration for both of us, and the chairman of the Committee on Veterans' Affairs will speak to that very shortly.

There are two other minor provisions. One is to allow for the reinstitution of a long-standing practice in which those patients who are end-stage renal disease patients and unable to provide for insurance coverage are assisted in that insurance coverage. Through a technical failure in our fraud and abuse program, that technically would not be allowed. This creates an opportunity for the Inspector General at HHS to make sure there is a safe harbor to protect those individuals.

The last item is an expansion of the MedPAC board, which would provide for a broadening of the representational interests on that board, be they professional, general public or geographic, based upon who those additional members would be.

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

Mr. STARK. Mr. Speaker, I ask unanimous consent that 6 minutes of debate time be allocated to the gentleman from Pennsylvania (Mr. KLINK).

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

There was no objection.

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

Mr. Speaker, the bill that the gentleman from California (Mr. THOMAS) and the Republican leadership have crafted does some good things: The subvention. There are some issues dealing with Medicare payments to people with end-stage renal disease that are helpful. There is an attempt to fix or assist the problems that are being caused in the home health delivery system by the administration's inability to get their act together.

Having said that, they have snatched victory from the jaws of defeat and pounded it to death. The bill is now a tax loophole and a stealth pay raise for Members of Congress and it has combined a series of measures and almost assured its defeat in the Senate because it violates the Senate rules and costs $10 billion over the next 10 years. Admittedly we only work in a 5-year time frame. They would raise a point of order in the Senate and need 60 votes and it is unlikely that it would pass there.

□ 1215

It extends a tax break to the very wealthy and now includes Members of Congress. Previously we were unable, as Members of Congress, to take advantage of Roth IRAs, and we now will be able to so that we have, and I am sure people will soon discover, we are about to vote ourselves a pay raise. I vote for pay raises, but I like to do it up front so that my constituents know that. I think it is too bad that we are doing it. It violates the budget, the IRA tax breaks have been dropped in conference or must be dropped or the bill is doomed.

We had suggested in the Committee on Ways and Means the postponement and reduction of medical savings accounts for seniors, and, interestingly enough, there are not any. There is no company offering medical savings accounts to seniors, and we could have saved a billion dollars and postponed the 15 percent tax cut which the home health industry is staring in the face next year. That was defeated by the Republicans in the Committee on Ways and Means, and I hope that if this bill goes to conference we could reestablish that. It hurts no one, there is no insurance company selling it, no seniors can buy it, we have already lost 300 million in savings which has evaporated. Through the inactivity or ignorance of the Republican bill we are going to let more of that savings disappear which could be used to help home health agencies who need it.

Again, this bill gives up, loses, $10.7 billion, does precious little except for the most egregious home health providers and mostly in southern States who have taken most advantage of this payment, and we could have done a better job, Mr. Speaker, we could have not dipped into the surplus so egregiously, and I hope that when this bill comes to conference, if in fact it ever does, that we can correct it at that point.

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

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Notwithstanding the gentleman's description of the bill, the paid-for provision which increases the individual retirement accounts on ROTH IRAs from 100,000 to 145,000 does comport with the budget rules on the House side, and in looking for areas to pay for a change in Medicare and related medical costs, we thought it most prudent not to dip into Medicare or other health care provisions to rob Peter to pay Paul, and it seems to me that this is a particularly appropriate way within the House budget rules.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), the distinguished Chairman of the Committee on Veterans' Affairs.

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

I rise in strong support of this measure and am pleased to be an original cosponsor. This legislation would realize one of the top priorities of our national veterans organizations, enabling Medicare-eligible veterans for the first time to get Medicare coverage through the VA. This legislation would expand veterans' options and their access to care while still offering the promise of reducing Medicare costs.

While the Committee on Veterans' Affairs took the lead in reporting out this legislation, I am indeed indebted to my friend, the gentleman from California (Mr. THOMAS), the primary architect of the broader VA Medicare provisions being taken up today. BILL THOMAS' highly acclaimed expertise on the Medicare program and his willingness to become knowledgeable on VA health care with key to moving this legislation, and I would also like to thank the gentleman from Florida (Mr. BILIRAKIS) who is an original cosponsor and has been a tireless champion for veterans.

Veterans' legislation is truly nonpartisan, and I want to salute our colleagues on the other side of the aisle on the Committee on Ways and Means, the Committee on Commerce and the Committee on Veterans Affairs who helped advance this legislation.

Mr. Speaker, this is a good bill for veterans, and I urge the Members to adopt it.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, our bill is the result of hard work between the Committee on Commerce and Committee on Ways and Means. Many of us have heard from constituents, principally veterans and senior citizens who are or may be effected by current health policy which we address and improve in the bill before us today.

H.R. 4567 proves, I think, that Members of Congress do listen to the concerns of their constituents and, when appropriate, work to find viable solutions. Several issues are addressed in this legislation.

Long ago our Nation made a commitment to care for the brave men and women who fought the battles to keep America free, and these are our Nation's veterans. As a veteran myself and a representative of a congressional district with a large veterans population, I am pleased that we have incorporated a Veterans Medicare Access Improvement Act into H.R. 4567. The Veterans Medicare Access Improvement Act will permit the Medicare program to reimburse the VA for care given to Medicare eligible veterans. The bill provides new health care options to veterans who have previously been shut out of the VA health care system, and it allows the VA to reach out to thousands of underserved veterans.

The home health issue is also addressed. Currently one out of every ten Medicare beneficiaries receives close to 80 home health visits per year. BBA 97 sought to address the over utilization of home health services by directing HCFA to create a prospective payment system for the home health industry

by October of 1999. Initially HCVA was told to implement an interim payment system which would allow home health agencies to make the transition to the new prospective payment system. HCFA recently informed Congress, unfortunately, that it could not make the October 1, 1999, deadline, thus forcing home health agencies to live with the reimbursement policy which many believe is unfair and will cause numerous facilities to shut down. Through this bill we make the payments to both old and new home health facilities more equitable, thus creating a more even playing field for home health agencies across the country, and most important, we restore assurance to Medicare beneficiaries that they will continue to have home health care services.

Our home health reforms build on three simple and yet crucial principles: equity, resolving the arbitrary differences inadvertently created by BBA 97; transitional sensitivity helping home health agencies not only survive the interim payment system, but also place them squarely on the track for the impending prospective payment system and implementability guaranteeing that HCFA can immediately put into effect the reforms we authorize.

In closing, Mr. Speaker, I urge my colleagues to support the Medicare and Veterans Health Improvement Act.

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

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding me this time, and let me thank also the Chairman of our Subcommittee on Health for bringing forward this legislation. This is important legislation to deal with the home health care services in our community.

Mr. Speaker, last year we made a mistake, and now we need to correct it. We are moving towards implementing a prospective payment system for home health care providers, and that will reward efficiency and cost effective programs. We had anticipated that that new system would be in effect on October 1, 1999. We are not going to make that date. HCFA has made that clear. In the interim we have developed an interim payment system, and we tried to hold each provider somewhat harmless. But what we did was penalize cost-efficient programs by tying the interim payment system to historical costs. A program that already has a low number of per-patient visits and has got its cost down is discriminated against. We need to take steps to correct it. The legislation before us will correct that circumstance by allowing those programs that are below the national average cost to get a bonus payment by mixing the costs with their historical cost and what the average cost is in the Nation.

That makes sense. That will help many health care providers in our Nation.

In my own State of Maryland, where our costs are well below the national average because our number of patient visits on home health care services is below the national average we would be adversely impacted unless this legislation is enacted. We have far fewer number of providers per our population than most States, and yet if we do not enact legislation, Maryland, a cost effective state that is doing the right thing, we are in jeopardy, we are told, of losing 13 of our providers in our State that will not be able to make it unless we provide some relief.

So this legislation makes sense. We should take steps in order to deal with the interim situation until we can implement the perspective payment system, and I thank the gentleman for yielding me this time.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) a member of the Committee on Ways and Means without whose full participation, ideas and creative approaches to solutions we would not be here with this bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for those kind remarks and thank the gentleman from California (Mr. THOMAS), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. BLILEY) for their hard work to bring this bill to the floor. Indeed the need is urgent.

I would remind Members that when we passed the Balanced Budget Amendment we anticipated slowing growth in the cost of home health services by $16 billion because of the law we wrote. But equally important, because of the administrative changes HCFA made on its own or failed to make to comply with the budget document and because the work of the work of the Inspector General's office, there has been an interaction on this critical service sector that CBO estimates now will take 26 billion out of these services. That is 10 billion more than we anticipated. Believe me, this is a critical industry under terrible distress, and it is our job to fix it.

So I strongly support this bill that does bring much needed relief to specifically low cost, high quality home health providers nationwide, and I want to state for the record that some home health agencies in my State of Connecticut are not only low cost, but according to a government conducted audit they are also virtually free of fraud and abuse. We have legitimate concerns about fraud and abuse in the home health industry. But the Yankee spirit that has kept home health costs low in Connecticut has also kept home health spending honest and home health services high quality.

Ultimately the interim payment system we passed last year penalizes efficient home health providers that have served the Medicare program by keeping their costs down. These are the very providers that we need to preserve in the system if we expect to keep Medicare spending affordable and Medicare operating well in the next century. This legislation will preserve our low cost providers, correct the problems of the past and enable us to establish a strong Medicare system that serves our seniors in the future.

Mr. Speaker, I want to thank Chairmen THOMAS, BILIRAKIS, ARCHER and BLILEY and their staff for their hard work on bringing this important bill to the floor today.

I support this bill because it brings much-needed relief to low-cost, high-quality home health providers nationwide. And I want to state for the record, that home health agencies in my home state of Connecticut are not only low-cost, but—according to a government-conducted audit—they are also virtually free of fraud and abuse. We have heard legitimate concerns about fraud and abuse nationwide in the home health industry, but the Yankee spirit that has kept home health costs low in Connecticut has also kept home health spending honest and home health services high quality.

Unfortunately, the interim payment system we passed last year penalizes efficient home health providers who have served the Medicare program by keeping their costs down. These are the very providers that we need to preserve in the system if we expect to keep Medicare operating in the next century. This legislation will preserve low-cost providers by increasing their rates during the transition to the new payment system.

The best solution for the long-term is to move home health care into a prospective payment system (PPS), where payments will based on the health needs of the patient and recognize those who need more intense services. The real tragedy of the current system is that we don't have the data necessary to build a system based on patient need. And the agency administering Medicare cannot accomplish this goal by the statutory date of October 1, 1999.

To prevent IPS, which is not adjusted for the severity of illness, from compromising the ability of important community providers to care for seniors and to ensure that the PPS will go into effect in a timely and accurate manner, this bill will reform IPS and require reports to Congress that will demonstrate progress on PPS development and account for all the resources used.

This bill also includes an important provision that will enable our veterans to seek Medicare-reimbursed services in veterans hospitals. This will strengthen our VA hospitals and open up accessible care for low income veterans.

I urge my colleagues to support this important bill and work to ensure that it passes before we adjourn.

Mr. KLINK. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we are here today to fix some of the problems caused by the

deep cuts in the Balanced Budget Amendment made in the Medicare home health care benefits. This is not a perfect bill. It is, first of all, not retroactive, it does not address the 15 percent cut scheduled for next year like the Democrat bill would have, and I really do not like the way it is paid for, but I support this bill today because I have heard from too many people in my district who are worried about the drastic impacts the interim payment system is having on the home health care providers and on the patients they serve.

I am going to support this bill because somewhere in this debate over how we should pay for home health care we are losing the focus on the seniors who need that home health care and who without it are going to end up back in the hospital or back in nursing homes. But for the life of me I do not understand why the costs of Medicare home health benefits vary so much from State to State and region to region; why, for example in my district, people who are treated by Nancy Dlusky in Greensburg, Pennsylvania, or Carol Rimer in Delmont, Pennsylvania, get on average only $2,300 a year while in other parts of the country for the same services people are being reimbursed 8, 10, 12 thousand dollars a year.

This is not a perfect bill, but it is a step in the right direction, and I hope that in conference we can perfect it even further.

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

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

□ 1230

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

The IPS, Interim Payment System, has been grossly unfair, grossly unfair to low-cost, cost-effective providers in States, especially States like Michigan. This is a step in the right direction.

But I want to express two hopes. Number one, this is not retroactive. A lot of very good, healthy, once healthy, home health agencies have been terribly hurt. I think our system should protect the cost effective and not assist those that are cost ineffective. So I hope if this bill gets to conference that we can look at that issue.

Also, the chairman of the subcommittee and I have talked about the entire bill. I hope we can take another look in the way we pay for this. I do not think we should mortgage the future to correct the past or the present. So I rise in support of this bill. It is urgently needed.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, first of all, let me thank the gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. BILIRAKIS) for addressing this issue.

There is no question, many things needed to be done to straighten out the problems in home health care. There are still problems with this bill. I am going to support this bill, and it is my hope that this will come through.

With the interim payment system, there is no recognition of the need for the chronically ill, dependent senior for home health. We need outlier protection for those firms who really take care of our seniors, who have proven that they will not dump a senior just because the money wears out.

Unfortunately, with HCFA and their administration of the Balanced Budget Act, not the amendment, but the act, the administration of that act has, in my State, penalized the best and helped the worst. This will go a long way towards changing that.

It, however, does not do anything with the 15 percent cut that is to go into effect October 1 of 1999, which has to be addressed if we are going to keep these firms viable and care for our seniors.

In closing, I have two people in my district that I would like to thank who have worked tirelessly, without ceasing, to try to solve some of these problems with great new ideas. Their names are Mark Lemmons and Steve Money. One is a former bank examiner, and the other is a former businessman. They are not home health care people, but they know costs, and they care for seniors. We have to make sure something happens on this before we leave this town.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am pleased to see that we are at least moving forward in an attempt to do something to correct the home health crisis.

New Jersey's home health providers are among the most efficient in the Nation; and, in my view, it is unfair to penalize those agencies for their efficiency.

I also want to address this 15 percent cut. As we know, the Balanced Budget Act, as everyone who has been affected by this problem knows, mandates a 15 percent across-the-board reduction to the per beneficiary caps in fiscal year 2000 if the prospective payment system is not ready by that time. We already know that it will not be. I would like to have a provision postponing that cut included in this legislation.

Mr. Speaker, 2 days ago, the gentleman from Michigan (Mr. DINGELL) and a number of my Democratic colleagues in the House introduced a bill that would reach the goal by reducing the enrollment cap on Medical Savings Accounts demonstration projects in the short term.

Reducing the enrollment cap on MSAs, moreover, makes even more sense when we consider that nobody has signed up for an MSA yet. It is my understanding the other body was working on a proposal that would include this reduction, and I hope we are successful on getting that postponement included. I think that is very important.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker and my colleague from California for the time and having the privilege to serve on two of the three committees with jurisdiction, both the Committee on Ways and Means and the Committee on Veterans' Affairs.

I am pleased to rise with the dean of our Arizona delegation and the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), in strong support of this legislation.

As has been chronicled by people from both sides of the aisle with disparate views of the role of government in health care, we all agree today, Mr. Speaker, that this is an idea whose time has come, not only for the challenges confronting home health care, challenges that in and of themselves tend to make HCFA truly a four-letter word, if not an acronym, in terms of the administration and practical applicability of ideas, but also for those Americans who have worn the uniform of our Armed Services and served with distinction both in wartime or in peacetime, especially in a place like the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania.

This is historic legislation because it would permit the VA to establish service networks to provide Medicare-reimbursed care to service-connected or financially needy Medicare-eligible veterans for whom VA medical centers are geographically remote or inaccessible. While we are working to establish these service centers for these veterans, this is another tool that can be utilized to give these veterans flexibility and access to health care in their senior years.

For these reasons and many more too numerous to mention, Mr. Speaker, I would ask all of my colleagues on both sides of the aisle to join in strong support of this legislation.

Mr. STARK. Mr. Speaker, I am honored to yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I have long supported VA subvention, and I

want to fix the home health care payment formula as much as anybody on the floor, although I am not sure this bill does much for home health care in my State.

I am sure of this, it deals a body blow to the deficit. This bill adds $6.9 billion in new spending over the next 10 years, $6.9 billion. It cuts revenues, reduces tax revenues by $4.9 billion. So it takes a whack of nearly $12 billion out of the budget, out of the surplus over the next 12 years.

Ironically, that is because the Roth IRA provision put in here as a "pay for" does save money over the first 5 years, $2.4 billion. But over the second 5 years, over the 10-year course of this bill, it loses nearly $5 billion, $4.9 billion. This is a shortsighted way to pay for the bill.

We would be better off to drop the Roth provisions altogether. It would save us a $5 billion hit on the surplus, and we would only have a $7 billion reduction. It is not the way to go if we want to save the surplus for Social Security or protect the fiscal situation that we have worked so hard to get ourselves into.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LAZIO), another member of the subcommittee.

Mr. LAZIO of New York. Mr. Speaker, I want to begin by thanking the three chairmen of the subcommittees, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from California (Mr. THOMPSON), and the full panel chairman, the gentleman from Arizona (Mr. STUMP), for their work on this and both sides on the aisle, quite frankly, for this critical piece of health care that helps Americans stay in their own home, protects families, keeps them together, builds stronger communities, gives seniors and those who are disabled, who are facing critical life choices the peace of mind of knowing that, if they are afflicted with a life-threatening disease, that the system will back them up.

This current reimbursement system clearly undermines, I think, the best of what home health care has provided. The current system reduces payments to New York home health agencies by nearly $130 million, including some of the most efficient and cost-effective home health care agencies.

The ultimate result is that New York seniors are threatened with losing their home health care. At a time when moms and dads are trying to live their retirement years in comfort, the current system undermines their peace of mind. With hard work and leadership from the Committee on Commerce, the Committee on Ways and Means and the Committee on Veterans' Affairs, I am pleased that this bill provides the peace of mind that our seniors need.

During the past year, I have worked with home health care providers in New York to save them and the care that they provide to our seniors. The new reimbursement system for home health care agencies which was developed in the Balanced Budget Act of 1997, the interim payment system, has unintentionally and negatively affected New York residents.

For example, in my district, Southside Hospital's Home Care Agency is expecting a loss of 31 percent this year. That means Southside will lose $1.2 million! The personal security of hundreds of seniors, my friends and neighbors, is threatened.

The New York home health care system is one of the most efficient home care industries in the nation. We are one of the best. Nevertheless, the current reimbursement system reduces payments to New York home health agencies by nearly $130 million in 1998!

The unintended result of this new system is that New York seniors are theatened with losing their health care. At a time when moms and dads are trying to live their retirement years in comfort, the current IPS system pulls the rug out from them. This is the reason why I have worked so hard to address this system and make changes to it to ensure that our seniors—our family, friends, and neighbors—can receive the care they deserve.

With hard work and leadership from both sides of the aisle, I am pleased that the legislation offered on the floor today provides about 1.5 billion dollars to home health care throughout the nation. Only with this money can seniors recover the quality health care they have earned.

The home health provisions before us are supported by the Health Care Association of New York State, the Home Care Association of New York State, and the esteemed Governor from New York.

The bill raises the per beneficiary cap for agencies that have maintained low costs. We should reward the efficient New York providers, not punish them. The bill does not pit agencies against one another. It does not pit one region of the country against another.

Now, Long Island providers will not have to shut down and force our seniors into institutionalized care.

This bill meets two of the loftiest standards of a civilized society—maintaining a senior's dignity—and keeping them active in their community during their golden years. The alternative is to penalize the most vulnerable in our society simply for growing old.

I urge my colleagues to vote for the Medicare and Veterans Health Improvement Act of 1998.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who is a nurse, is well respected on matters not only on health care but a great many issues.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this bill and want to thank the leadership on both sides of the aisle for bringing it. I cannot support it wholeheartedly, however, without bringing a few things to my colleague's attention.

I am from a big State with lots of miles, and the new agencies that cover many of those remote-located patients will not be helped by this bill.

We also need to do something about the 15 percent slash that is due next year before that time. I want to associate myself with the remarks of the ranking member of the Committee on Banking and Financial Services, because that is the concern that I have.

While we are creating a tax loophole for the highest earners, which raises money in the short run, it will cost us billions and billions of dollars in the long run.

I do have some concerns. I know that we have an emergency and we do need this coverage, but we cannot let it go without making sure that there is time for correction.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, for over a year now, there has been a small group of us who have been fighting to change the home health care provisions in the Balanced Budget Act; and I want to thank my colleague, the gentleman from Rhode Island (Mr. WEYGAND), the gentlewoman from Michigan (Ms. STABENOW), the gentleman from New Jersey (Mr. PAPPAS), and the gentleman from Oklahoma (Mr. COBURN) for their diligence and their determination to try to help fix this problem.

What we have today on the floor amounts, in my opinion, to a very important achievement. I want to publicly thank the gentleman from California (Chairman THOMAS) for bringing this bill to the floor.

This bill could most certainly be improved, but I commend my colleagues for bringing us this far in the process. I hope that we can work quickly with the Senate in these last few days and pass this bill out of Congress in a form that the President can sign.

I urge all my colleagues to support this legislation.

While there are many people that I would like to thank and recognize, I want to thank the people of Massachusetts who have educated me on this issue, the nurses, the doctors, the home health care agency owners and, most important, our Nation's seniors and the critically ill. I was invited into their homes and their workplaces and shown how important this Medicare benefit is in the lives of everyday people.

This Congress made a grave mistake in the Balanced Budget Act with regard to home health care, and this bill will help correct that mistake. I urge my colleagues to support it.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I rise in strong support of the Medicare Home Health Care and Veterans Health Care Improvement Act.

Mr. Speaker, I am pleased to come here today to vote for the Medicare Home Health

Care and Veterans Health Care Improvement Act.

This bill takes a step in assisting efficient home health agencies around the country that were hit so hard by the Medicare Interim Payment System. The home health agencies of New Jersey have provided exemplary care to the seniors of our State while keeping their costs very low and should not have been unfairly penalized by IPS.

As always, I continue to support efforts to rid the Medicare system of waste, fraud, and abuse. IPS did not fairly address these problems. I do hope that at some time in the very near future, we can revisit this issue and identify and rid Medicare of such fraudulent practices which only hurt our seniors and the quality of care they receive.

Also, Mr. Speaker, while H.R. 4567 does offer much needed relief to the home health providers in my State, the effects of the IPS during FY98 have been extremely detrimental to them. I must request that retroactivity be implemented for low cost agencies as we continue this process.

Mr. Speaker, the 60,000 seniors who live in my district in New Jersey are united behind us and our efforts to fix the IPS.

Thank you Mr. THOMAS and Mr. BILIRAKIS for realizing the needs of cost-effective agencies.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN) of the Committee on Commerce.

Mr. GREEN. Mr. Speaker, I rise in reluctant support of this legislation, although the veterans' benefit is the definite plus in the bill and makes it worthy in its own right. It is a shame that, after literally months of discussions and hours of meetings, this is the best we could do on home health care.

The best part of the bill is it will not hurt any home health care agency. Every agency that is affected by this bill will be helped; but in my State of Texas, very few of them will.

However, this bill does not address the looming 15 percent cut in payments to agencies that is right around the corner. It does not address the problems most agencies will face when they receive their demand letters from HCFA. So, despite our efforts today, many home health care agencies could be forced to close, only because HCFA did not notify of them of their IPS rate until as late as July.

Mr. Speaker, H.R. 4567 is not the home health care fix most of us had hoped for. But it is a start in the right direction, and I look forward to properly addressing all of the other problems the IPS has caused at the start of the next session of Congress.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, home health care agencies that do a terrific job in serving some of the most vulnerable and frail people in the State of Vermont have lost substantial funding because of an absurd formula that was put in place last year.

This bill begins to address the inequities of that unfair formula and would increase funding for home care, home health care agencies in Vermont and throughout this country that are cost effective and efficient.

Unfortunately, the funding approach for improving this formula is not adequate; and my hope is that, in conference committee, it can be changed. But, most importantly, this is a step forward to addressing a real crisis in home health care funding that exists in Vermont and other States where agencies have been cost effective and efficient. I urge support for this legislation.

Mr. KLINK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MARKEY), a member of the Committee on Commerce.

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Mr. MARKEY. Mr. Speaker, this is a good bill; not perfect, but it is good.

My mother passed away in July afflicted by Alzheimer's for 10 years. We kept her in our home. My father, who is 87, tended to her every single day all day long for 10 years.

The only way that that was possible was for the home health care aide to give him some help in the course of each day. It is very difficult for people who want to tend to this population, which will number in the millions as each year goes by, as the baby boomers get old, for us to allow people who want to avoid the indignities of nursing homes, which my father wanted to do for my mother, because he wanted to honor her by keeping her in the house, in our house that she never left, except when she was hospitalized for diseases unrelated to Alzheimer's.

This bill is critically important for millions of families who want to offer the same kind of protections for their loved ones. I hope that it passes unanimously.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS), a member of the subcommittee.

Mr. STEARNS. Mr. Speaker, this is very important legislation. We just have to hope and pray that it actually gets through the Congress this year.

Medicare-eligible veterans are too often shut out of the VA health care system, particularly if they are low-income and services-connected in the rural parts of this country.

This bill would, for the first time, enable Medicare-eligible veterans to bring their Medicare benefits to the VA. It is an important step to provide improved access and equity. Importantly, this bill can also reduce Medicare costs for the care of these beneficiaries.

Dealing with the home health care side of it, I share with the gentleman from Massachusetts (Mr. MARKEY) the same sentiments, because we cared for my mother in our home for over 10 years, too.

I support implementing the new IPS blend that is more equitable than the present system. Furthermore, new agencies must not be penalized and should receive treatment similar to other existing agencies. I note, of course, for my colleagues from Florida, it increases the home health care payment by at least 5 percent.

Medicare is a vast complicated program to begin with and the changes that will occur over the next few years are bound to compound the frustration and fear seniors already feel about this program.

I think we all recognize that home health care is vital to many of our Medicare recipients and nobody wants to see our seniors suffer needlessly. We all remember the many witnesses who testified about home health care organizations that had bilked the Medicare program out of billions of dollars. Our intention was to reduce unnecessary and fraudulent spending in home health. I believe we were right in setting out to rid the medicare program of fly-by-night organizations that cost the program money that could have been spent on taking care of the needs of seniors.

However, the Interim Payment System now in place is a disaster for rural areas and must be corrected. I support implementing a new IPS blend that is more equitable than the present system. Furthermore, new agencies must not be penalized and should receive treatment similar to that of existing agencies.

This bill addresses these problems by requiring the Secretary to report back to Congress by January 1, 1999 with a time line for implementation of the new system so that Congress will have an opportunity to weigh in and closely monitor its progression. Furthermore, the Administration is charged with making an alternative to the 15-percent reductions that will occur on October 1, 1999. Hopefully, we can alleviate some of the difficulties Medicare home health care beneficiaries have been experiencing for the past few months.

Finally, I would like to indicate my support for the portion of this legislation that was initially introduced as H.R. 3511. The bill will give HHS the discretion to determine, for example, whether allowing physicians to waive the Medicare copayment and deductible requirements for Medicare recipients who participate in particular health care program would open the door to fraud or abuse in the Medicare program. If not, HHS is authorized to issue an advisory opinion permitting the waiver of these requirements with regard to those services.

These provisions of the legislation are critically important to programs such as the National Eye Care Project (NECP), which provide critical health care services to American senior citizens. The National Eye Care Program is the largest and most sustained public service project in American medicine, and is currently sponsored by the Foundation of the American Academy of Ophthalmology and the Knights Templar Eye Foundation, Inc. The program

currently has 7,500 participating volunteer ophthalmologists, who examined over 110,000 seniors since 1986. Of those examined, over 70% were diagnosed with an eye disease requiring follow-up care. The program has been recognized by the White House, multiple U.S. Senators and Congressman, the American Medical Association, and the American College of Surgeons.

The program works by matching callers to a toll-free Help line with one of the 7,500 volunteer ophthalmologists nationwide. The physician then provides a comprehensive medical eye examination and treatment for conditions diagnosed at the initial visit. Any financially disadvantaged senior who is a U.S. citizen or legal resident and has no access to an ophthalmologist is eligible to participate.

From the program's inception in 1986 until the passage of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), participating doctors could waive copayment charges and accept insurance reimbursement as payment in full. However, unfortunate technical language found in HIPAA restricted the NECP's participating doctors to waiving fees only for those in financial need. This has forced the NECP to add a means test to their Help line. This test asks questions that financially needy seniors may find embarrassing, such as 'does your financial situation prevent you from seeking eye care?' This means test has unfortunately led to a decrease in the number of seniors seeking care, and has turned away seniors that otherwise would have received treatment.

That's why the pending legislation is so important—it does nothing to dilute the tough anti-fraud and abuse provisions found in HIPAA, while giving the Secretary of Health and Human Services the authority to provide a common sense exemption from payment requirements for the NECP, or for other programs that benefit the public welfare.

Congress needs to allow doctors participating in the NECP to continue their work unhindered and to encourage seniors to utilize the program. More than 50% of all new cases of blindness each year occur in the elderly, at least half of which are preventable. Eye diseases are among the most debilitating and prevalent problems facing the elderly, many of which display no outward symptoms until irreparable damage to their eye sight is imminent.

Mr. Speaker, I urge my colleagues to support this important legislation.

This is important legislation for America's veterans. Medicare-eligible veterans are too often shut out of the VA health care system.

This bill for the first time would enable Medicare-eligible veterans to bring their Medicare benefits to VA. It is an important step to provide improved access and equity.

Importantly, this bill can also reduce Medicare costs for the care of these beneficiaries.–

Mr. KLINK. Mr. Speaker, I yield the remainder of the time to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I want to express my strong support for this home health care bill.

In April I introduced the Medicare Home Health Agency Efficiency Act, and I am pleased that H.R. 4567 addresses many of my concerns and, in the end, creates greater equity for all home health care agencies. I hope that we can in the next Congress and in conference continue to work on the problems that still face home health care agencies and my constituents. The current reimbursement system in New York penalizes the most efficient home care agencies and without this legislation, home care agencies in New York would have to close and deprive people of vitally-needed services.

I strongly support the concept of home health care. I have a story also. My father, before he passed away, we kept him in our home, and without home health care services, we could not have done this.

So I think this is a good first step, it is a good step in the right direction, and we need to keep on working on this problem. I commend my colleagues for doing this.

Mr. Speaker, I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is a good bill, too, and I think we need to work on the IPS, and I would hope that we would be able to continue to work on the interim payments and work with the gentleman as well on his legislation.

Mr. STARK. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from California (Mr. STARK) for yielding me this time.

I also would like to take a moment to thank some of my colleagues who have been very helpful in putting this bill together and working together, and that is particularly the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Oklahoma (Mr. COBURN), and, in particular, the gentleman from Maryland (Mr. CARDIN), and the gentlewoman from Michigan (Ms. STABENOW). We have all worked over the last year and a half to try to bring this bill to fruition.

Last year we made a horrible mistake in passing a budget that included an interim payment system that was intended to take away fraud and abuse from wasteful agencies, but it also did a terrible thing. It took the most efficient and effective agencies and cut them as well.

In my State I have seen VNAs go out of business. A VNA that was in business for 87 years serving the needy had to close its doors, others have laid off people, because of this interim payment system.

This past spring we were lucky to get an amendment through in the budget that put us in this direction. This is a good first step, and I compliment the gentleman from California (Mr. THOMAS) for bringing it before us today. But there are other parts of this that have not been addressed that we must address in the near future.

Retroactivity. The 1999 interim payment assistance was supposed to go into a PPS. I hope that we will address those; I hope that we will have a future for our needy people in the home health care system, and I ask my colleagues to support this.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I would join with my friend from Rhode Island in thanking everyone who has been involved in this issue. But I also would join today with those who express great concern about the bill that is in front of us.

It has been said that there are no losers as it relates to home health care in this bill. The difficulty is, for me in representing my constituency in Michigan, there are also no winners in this bill.

It has been estimated that in Michigan almost half of our home health care agencies will no longer be able to serve Medicare patients by the end of this year, almost half of those who provide home health care now.

In Michigan, unfortunately, on average, this bill provides only $58.00 in additional home health care services, $58.00 to agencies that are already tremendously efficient providing quality home health care. This is not enough of a fix. This does not, in fact, stop the 15 percent cut for next year.

I urge the conference committee create a better solution so we can provide quality home health care into the future.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I am not opposed to the improved payment system for kidney disease patients contained in this bill. Nor am I opposed to the commendable veteran benefits contained herein. I am, however, deeply concerned about the bill's home health provisions as many of my other colleagues have already expressed.

This bill that is masquerading as an appropriate remedy for the devastating effects of last year's BBA, which imposed an interim payment system on our Nation's home health care agencies, the only specialists we have who serve homebound disabled seniors, and the effect has been to drive thousands out of business and deprive seniors of adequate access to care to which they are entitled.

The home health care provisions of the BBA call for paying home health care agencies in 1994 dollars, and since January this year more than 1,100 have gone out of business or have been

forced to stop serving Medicare patients because they cannot afford it.

The problem, Mr. Speaker, is pure and simple, that the Thomas bill, however well intended, is not the proper response to the Nation's home health care problem. It does no harm and it does no good, as has already been stated. It is paying mere lip service to the problem of the interim payment system, and I do hope we can address this in the next session of Congress.

Mr. BILIRAKIS. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PAPPAS), who has been a stalwart on this issue.

Mr. PAPPAS. Mr. Speaker, Judy Stanley and Steve Snyder approached me last December about an issue which prompted my introducing of H.R. 3567, gained 106 cosponsors and I have worked hard to find a solution to the problems the home health IPSs cause New Jersey and other states.

Let me thank the gentleman from Arizona (Mr. STUMP), the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. THOMAS) and their staffs for all their hard work. I will support the compromise as a needed step to move forward but I am disappointed that the bill does not do more to improve the viability of low cost agencies.

This bill does not curb the spending patterns of older agencies that have had high costs. Addressing that issue is an important part of preparing the home health industry for perspective payment. It also does not address the automatic 15 percent reduction in reimbursement.

Finally, I am hopeful that the final product will contain retroactivity, which CBO has already scored as costing $200 million. Narrowly tailoring retroactive relief to low cost States or regions would reduce this cost even more. I encourage my colleagues to see if these remaining issues can be addressed in the final package and I urge my colleagues to support it.

Mr. STARK. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I again join with many of my colleagues who support the tenor of the bill but have serious reservations about its budget implications. I would hope that if there is a chance to revisit this bill we can find a more sensible way to pay for it.

Further, I would like to, in the spirit of bipartisan suggestion, urge the distinguished chairman of the subcommittee, the gentleman from California (Mr. THOMAS), to hark back to the eighties when we tried in the Pepper Commission to develop a long-term care proposal.

Let no one make any mistakes. This growth in home health care has been generated by the lack of any ability to pay for long-term care in the Medicare system.

Rather than see the industry sneak a long-term care policy into the back door of acute care Medicare, we should honestly propose and debate a long-term care social insurance program. If it were fairly presented, with the problems in long-term care discussed, I think we could find a way to include it in the Medicare system rather than tinkering with ways to squeeze down the cost of home health.

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

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

Mr. Speaker, I include at this point in the RECORD a detailed explanation of the bill.

EXPLANATION OF H.R. 4567—MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

TITLE I. MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Current Law

Section 4602 of the Balanced Budget Act established interim payments for Medicare home health care agencies until implementation of the Prospective Payment System on October 1, 1999. Agencies are currently paid their costs up to two limits. The limits are applied when an agency settles its cost report with Medicare. The first limit—the per visit limit—is based on the mix of visits the agency provided to Medicare patients during the year. The per visit limits are based on 105 percent of the median costs by category of services. The second limit—the per beneficiary limit—is based 75 percent on an agency's historical cost per beneficiary and 25 percent on the average per beneficiary historical costs for the region in which the agency is located (both are reduced by 2 percent and are adjusted by the home health market basket). Agencies whose first full year cost report began after October 1, 1993 receive the national median of the per beneficiary limits.

Explanation of Provision

The bill contains a modified version of H.R. 4567. The amendment would increase the per visit limits to 108 percent of the national median costs. In addition, the amendment would increase the per beneficiary limit for many agencies. For those agencies whose per beneficiary limit is below the input price adjusted national median limit, the beneficiary limit would be increased by one half of the difference between the agency's per beneficiary limit and the input price adjusted national median limit (without the two percent reduction). Home health agencies whose first full cost report began on or after October 1, 1993 and before October 1, 1998 would receive a new beneficiary cap. The cap would be equal the greater of (1) the national median limit, without the 2 percent adjustment, and (2) a new blended payment equal to 50 percent of the payment established under the Balanced Budget Act and 50 percent based on a new blend. The new blend would be equal to 75 percent of the national median and 25 percent of the regional mean—both decreased by two percent.

Home health agencies which began treating Medicare patients on or after October 1, 1998 would have per beneficiary limits equaling 75 percent of the input price adjusted national median limit, minus two percent. In the case of a home health care agency or home health care branch which existed as of September 15, 1998, the 75 percent of the national median rule would not apply if that branch subsequently becomes a subunit of its parent or a separate agency. Rather, the parent agency's limit at the time the branch becomes a subunit or a separate agency would be used. These changes would have no impact on the Medicare part B monthly premium.

The bill also would require the Secretary of Health and Human Services to submit to Congress a report describing (1) all of the research to date on the development of a prospective payment system for Medicare home health services, (2) a schedule for implementation of the BBA mandated prospective payment system, and (3) the Secretary's recommendations for one or more alternatives to provide savings equal to the estimated savings from the 15 percent reduction in payment limits scheduled for fiscal year 2000. The Medicare Payment Advisory Commission (MedPAC) would be required to submit a report to Congress no later than 60 days after the date that the Secretary submits her report. In addition, MedPAC would have to include in its June 1999 report an analysis of whether changes in law made by the Balanced Budget Act and amended by this section, impede access to home health services. The General Accounting Office would be required to conduct an audit of the Health Care Financing Administration's expenditures for research related to the development of a prospective payment system for Medicare home health care services.

Reason for Change

The Medicare home health care interim payment system per beneficiary limits are based on one year of historical cost data (from cost reporting period ending in fiscal year 1994). The rates are based on a blend of agency-specific data and regional data. While this blending reduces some of the variation among agencies, there still exists a more than ten-fold difference between the per beneficiary limits across agencies. Some agencies with very lost historical costs have difficulty responding to changes in the mix of patients. This bill would assist the lowest cost agencies by increasing the per beneficiary limits for the agencies below the national median limit. In addition, the amendment would help decrease some of the differences between old and new agencies within a region.

Because of the Administration's recent announcement of a delay in implementing the prospective payment system on October 1, 1999, as required in the Balanced Budget Act, there is considerable concern about the impact of this delay on agencies and beneficiaries receiving home health care services. In order to ensure accountability, the Secretary would be required to report back to Congress by January 1, 1999 with a detailed time line for implementation of the new system so that the progress may be carefully monitored by the Congress. The Administration would also be required to propose recommended alternatives to the 15 percent across-the-board reduction in rates that will occur on October 1, 1999 because of the PPS implementation delay.

Effective Date

Medicare home health agency cost reporting periods beginning on or after October 1, 1998.

TITLE II. VETERANS MEDICARE ACCESS IMPROVEMENT MEDICARE HOME HEALTH CARE INTERIM PAYMENT SYSTEM REFINEMENT

Current Law

Current law generally prohibits other government agencies from receiving reimbursements for providing Medicare-covered services to Medicare-eligible veterans. In general, Medicare does not pay for services furnished by a federal provider of services or

other federal agency. The law has thus generally barred payments for services provided to military retirees at Department of Defense (DoD) facilities and for services provided at VA hospitals and clinics. Subvention is the term given to proposals which would permit the U.S. Department of Veterans Affairs to receive reimbursement from the Medicare trust funds for care provided to Medicare-eligible beneficiaries at VA medical facilities.

The Balanced Budget Act of 1997 (BBA 97, P.L. 105–33) authorized a 3-year demonstration project at six sites under which the Secretary of HHS will reimburse the Secretary of DoD from the Medicare trust funds for services furnished to certain Medicare-eligible military retirees and dependents. The demonstration project is to be established through an agreement entered into by the Secretaries. The Balanced Budget Act of 1997 required the Secretary of HHS and VA to jointly submit to Congress a detailed implementation plan for a subvention demonstration project for veterans.

Explanation of Provision

The bill contains the text of H.R. 3828. The amendment would amend Medicare law by adding a new Section 1897 to the Social Security Act—"Improving Veterans' Access to Services." The bill would establish a subvention program for low-income veterans and a demonstration project for other veterans so that the Department of Veterans Affairs may offer certain veterans comprehensive Medicare health care services. Section 1897 would authorize VA subvention in certain circumstances. Subvention is the term given to proposals which would permit the Department of Veterans Affairs to receive reimbursement from the Medicare trust funds for care provided to Medicare-eligible beneficiaries at VA medical facilities. The bill specifically aims at helping vulnerable veterans—known in veterans parlance as "Category A" veterans—who have either low income or a service-connected disability. The bill also creates a three-year demonstration project to test subvention for other veterans—known as "Category C" veterans—who are not low-income or service-disabled.

The bill would create a Medicare subvention program for Category A veterans but limits Category A subvention to three sites for the three years. If the Category A subvention meets certain criteria, then the subvention program may be offered on a national basis. The amendment provides that Medicare payments for the Category A be capped at $50 million in the first year, $75 million in the second year and $100 million in the third. The amendment would also create a Medicare subvention program for Category C veterans (all other veterans) but limits Category C subvention to three sites for three years. The amendment provides that Medicare payments for Category C will be capped at $50 million per year for three years.

The bill would require the VA to maintain its current level of services to Medicare-eligible veterans and provides that the Secretary of Health & Human Services and the Secretary of Veterans Affairs must monitor expenditure levels during the project in relation to expenditures that would have been made but for subvention.

The bill has provisions which are designed to hold harmless the Medicare Trust Fund, including: (1.) The VA would be paid a discounted rate from the customary Medicare managed care payments (to make up for VA's lower administrative costs); (2.) The VA would be required to institute modern data systems to track the costs and services provided to Medicare-eligible veterans; (3.) The VA would be required to maintain the same level-of-effort that it now provides to Medicare-eligible veterans; (4.) The VA's subvention services would be audited by the Comptroller General and the Inspector General.

Effective Date

The Category C demonstration project could begin as early as January 1, 1999 and end on three years after the commencement. The Category A program would begin on January 1, 2000 at the designated sites.

TITLE III. AUTHORIZATION OF ADDITIONAL EXCEPTIONS TO IMPOSITION OF PENALTIES FOR CERTAIN INDUCEMENTS

Current Law

Current law prohibits medical facilities from making improper inducements in order to attract patients. Because of this, medical facilities have scaled back financial assistance programs which help patients, (e.g., programs to pay patient Medicare Part B and Medigap premiums) lest these programs be construed as improper inducements.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) contained a number of provisions designed to toughen fraud and abuse enforcement. One provision—Section 231(h)(1)(C)(5) of HIPAA—prohibited medical facilities from offering patients any kind of inducement to receive services from any particular medical provider. This provision was designed to prevent kickbacks which the Inspector General reported was occurring in some circumstances.

Explanation of Provision

The bill contains the text of H.R. 3511. The amendment would affect the HIPAA provision in several ways: First, the Inspector General of the Health and Human Services Department could create exceptions—known as "safe harbors"—to the fraud and abuse rules so as to exclude specific practices from the HIPAA provisions. Second, the bill would allow medical facilities to obtain advisory opinions from the Inspector General. These opinions would provide legal and regulatory guidance to medical facilities as to whether payment of coinsurance or other premiums violates HIPAA's fraud and abuse provisions. Finally, the bill would also give the Secretary of HHS interim final rulemaking authority which would speed up the process whereby these safe harbors and advisory opinions become effective.

Reason for Change

Prior to the enactment of HIPAA, specialized medical facilities, such as dialysis centers, operated programs to help their patients afford medical treatment. Examples of these programs included paying patients' Medicare Part B premiums; giving patients free eye-glasses and other services designed to assist patients. The effect of the HIPAA fraud and abuse provision was to discourage medical facilities from offering programs to help patients lest these programs be seen as inducements for patients to receive services from the particular medical facility. This bill gives the Inspector General the authority to make exceptions and to establish safeguards which would permit an exception to the HIPAA provision.

Effective Date

Upon enactment.

TITLE IV. EXPANSION OF MEMBERSHIP OF THE MEDICARE PAYMENT ADVISORY COMMISSION

Current Law

The Balanced Budget Act of 1997, Public Law 105–33, established the Medicare Payment Advisory Commission (MedPAC) as a result of merging two commissions, the Prospective Payment Advisory Commission and the Physician Payment Review Commission. MedPAC, like its predecessors, is a nonpartisan commission which advises Congress and makes recommendations regarding Medicare payment policies.

Section 4022 of the Balanced Budget Act detailed the criteria for membership on the Commission: The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, allopathic and osteopathic physicians, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

MedPAC commissioners are appointed by the Comptroller General and serve terms of three years. The Balanced Budget Act authorizes the Commission to have fifteen commissioners.

Explanation of Provision

The bill contains the text of H.R. 4377. The amendment would add two commissioners to MedPAC.

Reason for Change

The addition of two commissioners would enable the commission to reflect more fully the diversity of backgrounds and interests in the health policy community. Expanding the number of commissioners would not only allow for a greater range of professional expertise but also a more diverse representation from various parts of the country.

Effective Date

May 1999.

TITLE V. REVENUE OFFSET

Current Law

Taxpayers (single or married) may roll their "traditional IRA" over into a "Roth-IRA" if their adjusted-gross-income (AGI) does not exceed $100,000. Married taxpayers, filing separately, cannot roll their traditional IRA into a Roth-IRA.

Explanation of Provision

The bill would allow single taxpayers with adjusted gross income of $145,000 and married taxpayers with AGI of $290,000 to roll their traditional IRA into a Roth-IRA. Married tax payers, filing separately with adjusted gross income of $145,000 could also do a Roth rollover.

Reason for Change

The current rules impose unwarranted restrictions on taxpayers based merely on their marital status and thus prevent certain taxpayers from adequately providing for their retirement years.

Effective Date

Distributions after December 31, 1998.

Mr. Speaker, I can assure the Members no one is more aware of the modest scope of this bill than I am. It is a very modest correction to the interim payment system. Included in the bill is a request that the secretary provide us with some offset proposals for the 15 percent reduction that I know concerns a number of individuals. It is clear it does not take care of the home health care problems. It does not address long-term care concerns.

The Medicare Commission is currently examining those chronic concerns that face seniors today and all Americans tomorrow. Ongoing oversight of the Health Care Financing Administration is absolutely critical.

This is a modest proposal on the interim payment system. We will continue to examine the changes that are occurring in the home health care industry, but for the veteran subvention, for the modest protection for the end-stage renal disease individuals, for the expansion of the MedPAC Advisory Board, I would ask for an aye vote.

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of the Veterans Programs Enhancement Act of 1998. I commend Chairman STUMP and Ranking Member EVANS for their tireless effort in producing this important legislation.

I also compliment the staff of both the House and Senate Veterans' Affairs Committees. Their hard work and dedication to our veterans has made this legislation possible.

People outside of this building are often unaware of the vital role staff play in the legislative process. They should not be. Our veterans should know how hard the veterans committee staff works for them each day. I hold this bill up as testament to their efforts.

Mr. Speaker, for much of this year I was not sure what this Congress would be able to accomplish on behalf of our nation's veterans.

I would venture to say that this Congress's record on veterans issues has been mediocre at best. Funding for veterans health care was cut again, medicare subvention was not achieved and veterans benefits were slashed to fund highway construction.

But in the end, with the passage of this legislation, we will be able to point to some notable achievements on veterans issues this year.

With this bill, we establish a precedent for the presumptive treatment and compensation of Persian Gulf War veterans.

I have long felt that we must give our Gulf War veterans the benefit of the doubt when it comes to health care and service connection. This bill helps us reach this goal that I have long called for.

In addition, this legislation helps prepare us to provide quality treatment for the veterans of future conflicts.

We were unprepared for the aftermath of the Gulf War.

However, by establishing a National Center for the Study of War-Related Illnesses, this bill helps prepare our veterans health system for the aftermath of future conflicts.

This bill also extends the VA's authority to treat the medical problems afflicting Gulf War veterans until 2001. We know we are not through dealing with the health problems confronting Gulf War veterans and I am pleased to see this fact recognized in this legislation.

The VA's sexual trauma treatment program, a program that I have advocated for throughout this session, is also reauthorized by this bill. During the past two years, the reality of sexual abuse and harassment of women in the military has come to light. It is only right that we maintain the VA's capacity to offer the victims of these crimes the treatment they need and deserve.

In addition, I am also pleased by this bill's provisions regarding educational opportunities, housing and medical construction at veterans hospitals. The reforms contained here are necessary and well-intentioned and should contribute to the welfare of veterans throughout America.

I am proud to support this bipartisan bill. And I urge my colleagues in the House to support this legislation as well.

Mr. ADAM SMITH of Washington. Mr. Speaker, I would like to take this opportunity to express my strong support for making changes to the home health care interim payment system (IPS). As part of the $16.2 billion in savings from home health over five years, the Balanced Budget Act of 1997 created an interim payment system to serve as a bridge until the prospective payment system could be implemented. While the interim payment system was designed to cut costs and reduce fraud, it has unfairly punished the efficient home health agencies throughout the country, including those of Washington state.

In the 1980s, the federal government promoted home care as a way to improve the health care situation in the United States. Using home care services reduces hospitalization, cuts the demand for expensive nursing homes, eases the burden on family caregivers and is proven to help sick people get better faster. Increased use of these services has helped make the health care system more efficient and better for consumers. While home health services have improved health care for many individuals, Congress could not ignore the increased costs and fraud in the home health system in recent years, and we acknowledged changes need to be made. Unfortunately, Congress did not make the correct changes in the process.

My primary concern with the changes in the Balanced Budget Act of 1997 relating to home health care payments is that in interim payment system disproportionately punishes areas of the country where home health patients are served efficiently. Washington state has been especially effective in their use of home health care. The state's home health care systems is one of the most efficient in the country. The typical home health patient in Washington state uses only about 34 visits per year, which is less than half of the national average. Efficient agencies should be rewarded, not punished, under the new system and I believe Congress must fix the changes they made as part of the BBA to assure we do not unfairly punish those who have done their job well.

I strongly support this bill because I believe it is a good step in the right direction for addressing the problems in the home health interim payment system. I feet we must continue to address this issue in the future to assure we are not punishing the home health agencies that provide services efficiently.

Mr. MORAN of Kansas. Mr. Speaker, I rise today in support of H.R. 4567, the Medicare Home Health Care Improvement Act. Last year's changes to Medicare made across the board cuts to home health funding that have been devastating to many agencies and their patients, particularly in states with the lowest historical costs.

Mr. Speaker, this legislation would provide critically needed relief for our seniors needing home health care. In my home state of Kansas, a number of agencies have already closed their doors. For the seniors that I represent in rural areas and smaller communities, the loss of their home health agency, too often means the loss of critical services.

While this legislation is not a perfect solution, it represents an important step. We simply cannot afford to close this session of Congress without addressing the dire circumstances facing our seniors. I urge my colleagues to support this legislation.

Mr. DUNCAN. Mr. Speaker, I feel that there are segments of the healthcare community that are under-represented on the Medicare Payment Advisory Commission (MedPAC).

Specifically, there is a notable lack of input and expertise from the medical supply industry. These manufacturers must overcome technological and clinical challenges during the development, production, and distribution of medical supplies. I believe that the insight derived from this market experience supports the appointment of someone from the medical supply industry to the MedPAC.

I am told that 25 to 30 percent of the current cost of Medicare involves medical supplies. Since MedPAC will review and make recommendations to the Congress concerning Medicare payment policies, I think it is clearly prudent to have this segment of the healthcare industry represented in any future appointments.

Also, if MedPAC is to make recommendations on procurement issues, including the impact and cost of competitive-bidding for effective medical products, it is appropriate to ensure that someone from the medical supply industry serve as a MedPAC commissioner. Although I do not wish to amend the bill to require representation of any specific industry, I do want to recommend that consideration be given to the appointment to MedPAC of a recognized professional from the medical supply industry.

Mr. MENENDEZ. Mr. Speaker, the Balanced Budget Act of 1997 put the home health care industry on a prospective payment system, and set up an interim payment system for agencies until the prospective payment system could be fully implemented.

Unfortunately, those home health agencies which have historically been fiscally responsible in their administration of federal dollars have been penalized for good program management.

In my state of New Jersey, the home health industry has been aggressive in its management of resources. New Jersey's annual average for visits per beneficiary served is only 39.7. The national average is 66 visits per year, and some states have numbers as high as 125 visits per beneficiary! So the message has been that it doesn't pay to be prudent with federal dollars.

HCFA's regulations have not so much penalized those states which have had excessive costs as they have mandated that all states—including those states with the lowest number of beneficiary visits—bear the financial costs in an across-the-board distribution of the effort to rein in the costs for this industry.

The bill we are adopting today, H.R. 4567, is a step in the right direction. However, there is a basic sense of fairness which is missed

in the "hold harmless" provisions. It is my sincere hope that as this bill is conferenced some measure of equity is brought into the negotiations which will recognize the efforts of those states which have been in the lowest 20 percentile of costs in the home health care industry. If they are not rewarded for their prudent handling of this program, they should at the very least not be penalized.

Mr. BLILEY. Mr. Speaker, I rise in support of the Medicare Home Health Care and Veterans Health Care Improvement Act, H.R. 4567. This measure is a monumental step forward in expanding quality health care coverage to millions of Americans.

This legislation is the result of a true cooperative spirit between the Commerce and Ways and Means Committee, and would like to personally thank Chairman ARCHER and Congressmen BILIRAKIS and THOMAS for all their hard work on this effort.

While there are a number of important provisions in this bill, I would like to focus solely on two—home health care and VA subvention.

First, nearly one out of every ten Medicare recipients receives home care, with an average of 80 home health visits each. In the Balanced Budget Agreement of 1997, Congress and the Administration sought to restrain the growth in these costs by going to a prospective payment system.

However, before this plan could be implemented, HCFA had to implement a supposed "short term", or interim, payment system that would help the agency and the industry move to this new billing system. Unfortunately, HHS and HCFA have failed to implement a policy that is equitable to all home health agencies.

Our bill recognizes the importance of this benefit to our nation's elderly, while reaffirming our commitment to the Balanced Budget Agreement.

Our home health reforms build on three simple, yet crucial principles:

(1) equity, resolving the arbitrary differences inadvertently created by the Balanced Budget Act of 1997;

(2) transitional sensitivity, helping home health agencies not only survive the interim payment system but also place them squarely on the track for the impending prospective payment system; and

(3) implementability, guaranteeing that HCFA can immediately put into effect the reforms we authorize.

Secondly, all of us understand and appreciate the importance of maintaining our nation's commitments to our nation's servicemen and women, and there is no stronger commitment made to our veterans than the guarantee of quality health care.

By allowing Medicare-eligible veterans to use their Medicare benefits in VA facilities, we are not only helping veterans get their care when and where they feel most comfortable, but we are also helping the VA reach out to those veterans who have fallen through the cracks or are under-served.

In closing, the Medicare and Veterans Health Improvement Act is a major step forward for our nation's seniors and they deserve no less than the fullest measure of our support.

Mr. Speaker, I ask my colleagues for their strong support of this legislation.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of this legislation which moves us in the right direction for saving home health care in New Jersey. Yet, I do wish we could do more.

The proposed Medicare interim payment system would have the effect of punishing the efficient, low cost home health providers. This proposal before us today will help soften that blow by adjusting the per beneficiary limit.

THE PER-BENEFICIARY LIMIT

One of the flaws with the proposed interim payment system policy was in the formula to calculate the per beneficiary limit. Because reductions are made based on agency specific data and regional average costs, expensive agencies who are driving the increase in growth and costs in this industry continue to function at a much higher rate than that of more efficient and less costly ones.

In New Jersey this would mean that New Jersey would receive a reimbursement less than that of the national median.

This bill before us today would bring up those states that are below the national median limit, closer to that national median.

RETROACTIVITY

But I do wish that we could make this legislation retroactive. By not making this legislation retroactive we have left agencies to work under the great financial burdens caused by the interim payment system.

I do hope that we can move this bill forward, but we do still have some work to do.

Mr. BEREUTER. Mr. Speaker, this Member rises today as a co-sponsor and strong supporter or H.R. 4567. When Congress passed the Balanced Budget Act last year, we made some very important changes to Medicare that will insure its availability for seniors well into the next century. However, Congress went a little too far in the area of home health. In an attempt to eliminate the waste, fraud and abuse that did exist in the home health care industry, the Medicare interim payment system, which was created last year, instead hurt some of the most cost-conscious agencies that have worked hard over the years to keep costs low.

For example, one of the home health agencies in this Member's district in Beatrice, NE, was told earlier this year by their intermediary that under IPS they would receive a Medicare reimbursement limit of about $1,600 per beneficiary. That's over $700 less than the regional average of $2,341 per beneficiary, and $2,200 less than the national average reimbursement per beneficiary of $3,862. A reimbursement limit of $1,600 a year is simply not enough money in many cases where a home health agency needs to treat a disabled, elderly individual. To make matters worse, the only other home health agency in the town of Beatrice went out of business this summer, mostly due to its low Medicare home health reimbursement rate.

Even worse, HCFA has announced that they cannot implement a permanent, perspective payment system by their October 1, 1999, deadline because of their Y2K problems. Therefore, under current law, home health agencies will not face an additional reduction of 15 percent in their per-beneficiary reimbursement. Under this system, home health agencies, especially those in rural areas, will go out of business—this unfortunate situation will occur in areas of many States, including Nebraska, with the end result being that these areas will have no home health services available. Under this system, Medicare beneficiaries will suffer.

H.R. 4567 begins to correct the problem with the interim payment system and will allow these agencies to stay in business until a prospective payment system is implemented. It increases the per beneficiary reimbursement to those agencies whose limit is below the national median limit—which will help almost every agency in this Member's district. It also directs HCFA to send Congress a report on its progress, if any, on implementing a prospective payment system. Finally, H.R. 4567 asks the Secretary of Health and Human Services to help Congress find a way to prevent the 15 percent reduction in payment limits scheduled for October 1, 1999.

Mr. Speaker, this Member cannot emphasize enough the importance of passing legislation that will correct the flaws of the IPS. Congress must pass legislation before the end of this session in order to save the hundreds of home health agencies all over the country that will no longer be able to provide care next year if the current payment system is allowed to remain in place. This Member asks all of his colleagues to support this critical measure for all of the elderly constituents receiving home health in their district.

Mr. RODRIGUEZ. Mr. Speaker, I would like to support H.R. 4567 with enthusiasm. This bill on its surface aims to improve veterans heatlh and correct serious deficiencies in our home health reimbursement system. Unfortunately, at least in the home health area, the bill falls woefully short of its stated goal.

For veterans this is the first effort to implement VA-Medicare subvention, which has been sought by veteran's service organizations for years. This legislation would allow veterans who are covered by Medicare to receive treatment at VA facilities. I support subvention and am a co-sponsor of legislation to bring this overdue option to veterans. We own our veterans quality health—for this reason I will vote for this bill today.

However, this bill falls FAR short of addressing the real need of our communities that rely so heavily on the home health care industry. Home health fills a much needed void for my for my community where very few hospitals exist and nursing home have been closed. How can we expect our elderly Medicare beneficiaries in rural communities to survive when a handful of home health agencies are closing everyday? I have no idea how my constituents are expected to survive. Many of the Medicare beneficiaries that utilize home health have already been told they will not longer receive care and have been left to the hands to fate.

This bill fails to address the pressing problems created by the faulty interim payment system (IPS) and further address the failure of the Health Care Financing Administration to recognize the need in rural communities for such care. HR 4567 fails to recognize two key provisions: the need for retroactivity, and the automatic 15 percent reduction scheduled for this year.

It is a shame that we are not able to bring a bill to the floor that addresses the heart of

the home health crisis—access to health care for our elderly. The Republican leadership has failed our elderly by not recognizing that more needs to be done and that it needs to be done now. Our only hope is that REAL changes will be made in the conference version of this bill. If not, we will all surely go home from this session hanging our heads low, knowing that we have not really solved the matter. Instead we have pretended to acknowledge it and then walked away.

Mr. ROTHMAN. Mr. Speaker, I rise today in support of H.R. 4567. I am pleased that this bill includes the text of H.R. 3511, and urge my colleagues to vote in favor of this important legislation. H.R. 3511 is one of those bills that, though technical in nature, can be critically important for those that it may affect.

In fact, for some older Americans, this legislation will mean the difference between spending the remaining years of their lives struggling to overcome the handicap of blindness and having the benefits and opportunities of sight.

H.R. 3511 can make a difference in the lives of our senior citizens because it grants to the Secretary of Health and Human Service (HHS) the discretion needed to allow programs such as the National Eye Care Project (NECP) to provide eye care to all elderly Americans at no out-of-pocket cost to those that it serves. Under current law, ophthalmologists who participate in the National Eye Care Project are required to charge each patient all of the copayments and deductible specified by Medicare—unless, of course, that patient is determined to be finally disadvantaged and lacking the means to pay for medical eye care.

The problem is that many senior citizens will decide not to see an eye doctor if they must answer such intrusive questions as whether making the Medicare copayment would mean they are "unable to afford food" or "be forced to put off paying for such expenses as food, housing, transportation and prescription medication." Others who are not "financially disabled," as defined by Medicare, do not believe they can afford the copayments and deductibles, and therefore decide to defer a visit to the eye doctor for another day. Unfortunately, with some eye diseases, a delay of even a few weeks can lead to irreparable damage, and even blindness, which could have been avoided with timely care.

The National Eye Care Project was established by the Foundation of the American Academy of Ophthalmology in 1986 to address this problem. Through a toll-free Helpline, seniors can receive information about common eye diseases and, if eligible, get a referral to one of the approximately 7,500 volunteer ophthalmologists across the country who provides eye care to those in need.

Prior to enactment of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the NECP could advertise that it would provide this care "at no out-of-pocket cost" to those who need it, and seniors seeking care were not required to answer intrusive questions about whethr they could afford to make Medicare copayments. However, HIPAA made this approach illegal by prohibiting the waiver of Medicare copayments without a case-by-case determination of financial need. H.R. 3511 will remedy this situation by giving the Secretry of Health and Human Services the discretion to allow a program such as the NECP to waive Medicare co-payments for all participants. HHS would not, of course, make such a determination for the NECP of other programs if it could not establish that granting a waiver would not create a loophole for fraud and abuse in the Medicare program. Combating fraud and abuse was the original objective behind HIPAA restrictions.

In conclusion, Mr. Speaker, H.R. 3511 is important legislation that can lead to significant benefits for our senior citizens. I urge my colleagues to vote for this legislation.

Mr. PORTMAN. Mr. Speaker, I rise in support of H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act. Home health care is a vital service for Medicare beneficiaries that provides patients with peace of mind by allowing them to stay in their homes during their golden years. Without this service, many individuals would be forced into more expensive assisted living facilities or nursing homes.

The bill is necessary because HCFA has told us that, as a result of the Y2K computer problem, it cannot implement the prospective payment system for home healthcare by October 1, 1999 as required by the Balanced Budget Act. This means home health agencies, through no fault of their own, will be hurt by the interim payment system and will continue to be paid under it longer than Congress intended. This unfortunate situation threatens the very existence of many agencies, including some from my Congressional district that have been responsible and have operated efficiently to keep their costs down.

H.R. 4567 is designed to provide needed relief to such agencies under the interim payment system while HCFA sorts out its computer problems. I agree with those agencies that feel additional measures are needed, but that just isn't possible under our current budget constraints. The real solution is for HCFA to redouble its efforts to implement the PPS without further delay. In the meantime, H.R. 4567 will help agencies get through this difficult period.

I urge passage of this bill to ensure that agencies can continue to offer essential health care services to seniors in southwest Ohio and around the nation, and I call on HCFA to do whatever it takes to see that agencies can get out of the interim payment system as soon as possible.

Mr. STARK. Mr. Speaker, this bill is nothing more than a tax break for the wealthy disguised as a Medicare bill. It's a perk for Members of Congress who, along with their spouses, will not be eligible for new tax shelter—Roth IRAs.

We have had no chance to study the home health proposal. Relative to the bill reported out of Ways and Means, it moves money toward new, for-profit agencies, who have been the cause of the home health funding crisis. Many of these agencies have been the very definition of fraud, waste, and abuse.

The health policy in this bill is not as good as the policy in the bill reported from Ways and Means—but it is not bad.

What is horrendous, what is totally unacceptable is the pay for and the budget implications! This bill loses $10.7 billion over 10 years. It is absurd, but true that the Treasury would be better off if the Majority did not try to pay for the bill! With this bill, you are spending the surplus. You are creating a tax loophole for the very upper income, that will cost billions and billions in the out-years—just when we will need the money to save Medicare and extend its life. This proposal is poor tax policy and poor budget policy. We should be saving the surplus for Medicare—not spending it to please some for-profit home health agencies that have been abusing the program. Between now and 2008 when the Medicare Trust Fund will be exhausted, we will need about $325 billion—yet this bill gives away billions and adds to that pending crisis.

Over the next 5 years, Medicare will spend about $1.1 trillion. You would think that we could find zero-point-two (0.2) percent out of current Medicare spending. There is a National Bipartisan Commission on the Future of Medicare that is trying to save Medicare for future generations, but if we can't find 0.2%, and give away billions of dollars that could be saved for Medicare, what does that say about the worth of that Commission? The Majority's pay for will undoubtedly run into budget rules in the Senate, and will be opposed by the Administration. To offer such a pay for smells like a poison pill.

Mr. BONILLA. Mr. Speaker, I rise today in support of H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act of 1998. This bill provides additional resources for health care for the heroic men and women who are our nation's veterans. However, this bill falls far short of improving the situation that home health care agencies are facing.

The Balanced Budget Act of 1997 directed the Health Care Financing Administration (HCFA) to develop a prospective payment system of reimbursement for home health care agencies by 1999. In the meantime, HCFA developed an interim payment system designed to help health care agencies' transition to a prospective payment system. Unfortunately, this system has jeopardized the health care for many of our most vulnerable citizens and has put many hard-working agencies out of business. In August, the HCFA told Congress that it will not follow the law and develop the prospective payment system. Due to HCFA's inaction, Congress was forced to quickly develop an interim payment system to keep home health care afloat until HCFA can get its act together.

While the bill we are voting on today takes one step forward in that fix, we still have a long way to go. As we face the last days of this congressional session, I am disappointed that we are faced with a "take it or leave it" situation. However, I am supporting today's measure because a little help is better than no help. I am confident that this Congress will continue to have home health reform as its top priority when it returns next year.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my support for H.R. 4567, the Medicare Home Health Care and Veterans Health Care Improvement Act of 1998 and to congratulate the bill's sponsors for moving this important legislation forward before Congress adjourns this year.

While the bill is not perfect, it does promise to help the historically low-cost agencies that have been penalized by the interim payment system (IMPS) implemented in the Balanced Budget Act of 1997 for their past efficiencies in delivering high quality home care. I also applaud the sponsors of the bill for increasing the per visit reimbursement limit.

While I support the bill, I have some reservations. Texas is a big State with large rural areas. I am concerned that reimbursement to new health agencies in rural areas that must travel long distances to serve their patients is too low under the Interim Payment System. H.R. 4567 does little to help these new agencies.

Furthermore, the bill does nothing to postpone the 15% cut scheduled for next fall when HCFA fails to implement the Prospective Payment System by the October 1, 1999 deadline.

I hope to see these issues addressed during conference with the Senate. In addition, I can only hope that a more appropriate funding mechanism can be found in conference that does not create a tax loophole for the highest earners which raises money in the short run and costs us billions in the long run.

Mr. HILLEARY. Mr. Speaker, I would like to give my support, though reluctantly, to H.R. 4567, the Medicare Home Health Care and Veteran Health Care Improvement Act.

First, I would like to extend thanks to Chairman THOMAS, BLILEY, STUMP, ARCHER and BILIRAKIS for their hard work and countless hours spent crafting this legislation. I would also like to thank members from both sides of the aisle who have worked tirelessly on this subject, especially Congressmen RAHALL, ADERHOLT, COBURN, PAPPAS, STABENOW, and WEYGAND. If not for their hard work and perseverance, we would not even have this bill before us today.

This bill does wonderful things for both our veterans and those in need of kidney dialysis treatment. However, it is woefully inadequate in terms of its aid to home health.

For our veterans, it gives those who have served our country so proudly the right to receive Medicare benefits at VA facilities. This bill will open up access and help ease the financial burden that many of our veterans would otherwise face and create more flexibility on their medical care through a process known as "subvention." Under subvention VA facilities would be able to provide efficient and affordable "one-stop" shopping for veteran medical services. I am proud to support this initiative.

This bill also does a tremendous job for those kidney patients who need better access to dialysis machines. Under this bill "safe harbors" would be created to allow those in need to have a specialized dialysis help subsidize their payments. This would give greater access and make more affordable dialysis machines to the many people who suffer from kidney failure.

However, I must stress my emphatic displeasure with the home health portions of this bill. I do not believe that the home health sections of this bill are bad ideas as written in the bill. Instead, I oppose the glaring omission of several essential elements that must be addressed in order to save this industry that provides health service to so many of our elderly. Among the major deficiencies in the bill are failures to address the agency retroactivity, regional equity, and the impending industry wide 15% cut set to occur next October 1.

I especially find it disheartening that this bill does not even attempt to help every region. In my state of Tennessee, most agencies will not even see a drop of this increase, yet we have already seen 24 closures this year. A regional solution is an incomplete solution.

I do not want to see us simply put a Band-Aid on the problem and pretend that we have done adequate work. By only going halfway on this issue, we have done the home health industry a disservice. For I fear that if we do not address these issues in the next few days, then we will be unable to solve the problems that these issues will create next year.

In particular, I feel that if the 15% cut goes into effect, the entire industry, and the seniors they serve, will be severely impacted. By putting off the problem until next year, the bill merely gives a wink and a nod without offering a solution. I know that if this problem is not addressed, either by establishing a permanent case-mix adjuster or a delay of the 15%, the industry will fail, and we will have this wasted opportunity to blame.

I am completely dumbfounded to why we give a halfhearted solution when we have the opportunity to do so much more. I hope that the issues in this bill are not closed. I hope that we still can address important issues like the impending 15% cut set for next year. If we do not come back next Congress and act quickly, I fear that the sick and elderly will never forgive us for our inaction.

I reluctantly urge my colleagues to support this bill and strongly urge my colleagues and the chairmen overseeing home health care to continue working and address the remaining critical problems facing this industry.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4567, as amended.

The question was taken.

Mr. THOMAS. 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.

□ 1300

PLANT PATENT AMENDMENTS ACT OF 1997

Mr. SOLOMON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Clerk read as follows:

H.R. 1197

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 "Plant Patent Amendments Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The protection provided by plant patents under title 35, United States Code, dating back to 1930, has historically benefited American agriculture and horticulture and the public by providing an incentive for breeders to develop new plant varieties.

(2) Domestic and foreign agricultural trade is rapidly expanding and is very different from the trade of the past. An unforeseen ambiguity in the provisions of title 35, United States Code, is undermining the orderly collection of royalties due breeders holding United States plant patents.

(3) Plant parts produced from plants protected by United States plant patents are being taken from illegally reproduced plants and traded in United States markets to the detriment of plant patent holders.

(4) Resulting lost royalty income inhibits investment in domestic research and breeding activities associated with a wide variety of crops—an area where the United States has historically enjoyed a strong international position. Such research is the foundation of a strong horticultural industry.

(5) Infringers producing such plant parts from unauthorized plants enjoy an unfair competitive advantage over producers who pay royalties on varieties protected by United States plant patents.

(b) PURPOSES.—The purposes of this Act are—

(1) to clearly and explicitly provide that title 35, United States Code, protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced;

(2) to make the protections provided under such title more consistent with those provided breeders of sexually reproduced plants under the Plant Variety Protection Act (7 U.S.C. 2321 and following), as amended by the Plant Variety Protection Act Amendments of 1994 (Public Law 103-349); and

(3) to strengthen the ability of United States plant patent holders to enforce their patent rights with regard to importation of plant parts produced from plants protected by United States plant patents, which are propagated without the authorization of the patent holder.

SEC. 3. AMENDMENT TO TITLE 35, UNITED STATES CODE.

(a) RIGHTS IN PLANT PATENTS.—Section 163 of title 35, United States Code, is amended to read as follows:

"§ 163. Grant

"In the case of a plant patent, the grant shall include the right to exclude others from asexually reproducing the plant, and from using, offering for sale, or selling the plant so reproduced, or any of its parts, throughout the United States, or from importing the plant so reproduced, or any parts thereof, into the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any plant patent issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. 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 North Carolina?

There was no objection.

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

Mr. Speaker, this is a noncontroversial measure which, incidentally, has already passed this House as a portion of H.R. 400, the Plant Patent Amendments Act of 1997. It will serve as a needed complement to current plant patent law.

Briefly, since 1930, the Patent Act has permitted inventors to obtain plant patents. Individuals wishing to skirt protections available under the law have discovered a loophole, however, by trading in plant parts taken from illegally-produced plants. H.R. 1197 closes this loophole by explicitly protecting plant parts to the same extent as plants under the Patent Act.

This bill, Mr. Speaker, is identical to language that was contained in an omnibus patent legislation passed earlier in the term that has since died in the Senate. There is no opposition to the bill, and I urge its adoption, as it will benefit American patent holders and the plant producers who honor their work by paying the necessary royalties.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman from North Carolina, Mr. COBLE.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR), one of the cosponsors of the bill.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding time to me.

Mr. Speaker, I rise in strong support of the Plant Patent Amendments Act of 1998.

Before I get started, I just want to say a few words about the cosponsor of this legislation, the gentleman from Oregon (Mr. SMITH), my chairman, friend, and a Willamette Bearcat. He is chairman of the Committee on Agriculture. He is leaving us at the end of Congress.

He has served the Second District of Oregon and this Nation with honor and an acute sense of propriety. For that he is to be commended. I think that he does not want any accolades, but to all of us who have served on the Committee on Agriculture and watched his style, his humor, his ability to bring a consensus, he is certainly one of the most tenacious agriculture traders. He has taken the committee to other countries, and every time he has gone he has been able to sell an awful lot of American agricultural products.

This country is going to miss him, this Congress is going to miss him. I wanted to take this moment to mention that.

I also wanted to say that this bill is noncontroversial. There is no opposition to it.

Mr. Speaker, I rise in strong support of H.R. 1197, the Plant Patent Amendments Act of 1998 and I thank you for allowing us the time to debate this legislation today. I would also like to thank Mr. COBLE and Mr. FRANK for managing this legislation that will make a simple technical clarification to the Plant Patent Act of 1930.

Before I get started, I want to say a few words about the sponsor of this legislation my chairman and friend, the gentleman a Willamette Bearcat from Oregon, Mr. SMITH who will be leaving us at the end of this Congress, again. The gentleman has served the 2nd District of Oregon and this nation with honor and an acute sense of propriety and for that he is to be commended.

His authoritative voice will certainly be missed on the Agriculture Committee in the 106th Congress. I also know that the entire agriculture community from apple producers in Oregon or to flower growers in California, wheat farmers in the Midwest, citrus growers in Florida will miss our standard bearer for open, fair, and free agriculture trade. I know of few people that have traveled the globe more promoting U.S. agriculture products.

Chairman SMITH, you will certainly be missed as a legislator and a friend.

I want to start my statement on H.R. 1197 by informing my colleagues that this should be a simple vote because this legislation has already been voted on and passed in this chamber as part of the Omnibus Patent Act of 1997 in April of last year. Unfortunately, the larger patent reform package, H.R. 400, is not expected to be completed before Congress adjourns. That is why we need to pass this legislation today so we can get this legislation through the other body and signed into law before the end of this Congress.

Mr. Speaker, California leads the nation, holding a 22 percent share for the production of flowers, foliage, and nursery products in the United States. For California, this two billion dollars plus industry ranks in the top ten of all agriculture commodities in the golden state.

Yet despite these positive statistics the number of American chrysanthemum growers has fallen by 25 percent, the number of carnation growers has fallen as by much as one-third and the remaining major commercial types of flowers have fallen in the double-figure range as well.

There are two primary reasons for this spiraling loss of American agriculture production relating to flower, foliage and nursery products. The first, can be addressed today by passing H.R. 1197 and the second is a failed drug policy established in the Andean Trade Preference Act.

Mr. Speaker, H.R. 1197 is a simple technical clarification to a loophole in the Plant Patent Act of 1930. This legislation will fulfill the original intent of Congress by specifically providing that plant patents are extended to include parts of plants, thus halting the current abuse of U.S. patent holders and growers' rights of cut flowers, fruit crops, timber crops, and other propagated plants.

Currently, plant breeders, patent holders and growers are being harmed by a loophole in the Plant Patent Act of 1930 which allows foreign competitors to asexually reproduce and propagate plants that hold U.S. patents.

Without passage of H.R. 1197 during this Congress, the U.S. position as a world leader in plant research and development will continue to erode. U.S. and foreign growers of protected varieties, who are now paying royalties and growing U.S. patented varieties legally, are at an unfair competitive disadvantage to such infringing imports.

It was Congress' original intent in the Plant Patent Act of 1930 that it should be illegal to sell the fruit, flowers, and other products derived from a patented plant reproduced without authorization. H.R. 1197 reaffirms this intent.

This legislation has broad support from the American Nursery and Landscape Association, the American Bar Association, the International Rose Breeders Association, the Society of American Florists, the American Intellectual Property Lawyers Association, the American Seed Trade Association, the National Association of Plant Patent Owners, and the Wholesale Nursery Growers Association.

As I mentioned there are two primary reasons that we are losing this sector of American agriculture. The first, we will begin to take care of today with passage of H.R. 1197. The second, I will continue to push for in the next Congress. We need fairness for our farmers by ending a failed drug policy.

Since enactment in 1991, the Andean Trade Preference Act (ATPA) has provided duty-free access to the U.S. market for flower exporters in four Latin American countries: Colombia, Bolivia, Ecuador, and Peru. For seven years it has allowed flower growers in these four countries to avoid tariffs normally imposed on their product, tariffs ranging from 3.6 percent to 7.4 percent.

The ATPA simply provides Colombian flower growers an unnecessary edge in a market they already dominate—to the detriment of domestic flower growers. The International Trade Commission acknowledged in 1995 and 1996 that the ATPA has had a greater impact on the U.S. fresh cut flower industry than any other market examined.

The purpose of this preferential treatment was intended to encourage Andean countries to develop legal alternatives to drug crop cultivation and production. However, coca eradication efforts to date in Colombia have been much less than anticipated. This policy has failed. For the third consecutive year Colombia has failed in its efforts to be fully certified or reduce the production of illegal drugs. In order to maintain an open dialogue the Administration recently made the determination to put forward a national interest waiver with respect to Colombia. The results in Colombia are particularly disheartening, given that eradication is generally a bilateral effort in which the United States supplies the funding, fuel, and herbicides with the host government providing the personnel.

Mr. Speaker, In closing, I urge my colleagues to support H.R. 1197 and the American flower, foliage and nursery growers that are in a unique situation. They are the economic poster children for a failed trade policy and the sacrificial lamb in a failed foreign policy war to end drug trafficking.

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

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

Mr. Speaker, the gentleman from California just referred to my friend from Oregon as a Bearcat. I never heard that before, but it is probably applicable. I agree with the gentleman from California, the gentleman from Oregon (Mr. SMITH) will indeed be missed.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I only wanted to rise to thank my friend, the gentleman from California, for his kind words, and my dear friend, the gentleman from North Carolina (Mr. COBLE), for bringing this issue to us, as well as the chairman of the full committee. I appreciate it very much. It is an important piece of legislation for us. I urge its passage.

Mr. Speaker, I rise today in support of H.R. 1197, the Plant Patent Amendments Act of 1997. I would like to take a moment to thank Chairman COBLE of the Judiciary Subcommittee on Courts and Intellectual Property and Chairman HYDE of the Full Judiciary Committee for allowing me to bring this important bill to the floor today. I would also like to take a moment and thank my colleague from California, Representative SAM FARR, for his hard work in bringing this important matter to the floor today.

We are here today to reaffirm the protection of patents by U.S. growers that has already been passed overwhelmingly by the House in April of last year as part of the Omnibus Patent Act of 1997, H.R. 400. Unfortunately, that bill is not expected to be approved by the other body. My legislation, H.R. 1197, is simply the stand-alone version of that section of the bill already passed by the House. It addresses an issue that has long needed clarification. Agricultural producers can not afford to wait another year for the protection from bootleggers of plant parts this bill provides.

H.R. 1197 is a simple technical clarification to a loophole in the Plant Patent Act of 1930. When Congress drafted the Plant Patent Act of 1930, it had no way of knowing the technological advances that science, and the agricultural industry, would make in the growing of plants. Plant breeders and growers in the U.S. are being denied the protection intended by Congress when it enacted the Plant Patent Act of 1930 because of an ambiguity in the law. H.R. 1197 clarifies this ambiguity by specifically including the coverage of plant parts in the Plant Patent Act of 1930. U.S. breeders and growers of patented plants are incurring substantial losses from unauthorized propagation of their plant inventions in foreign countries, and the subsequent export to the U.S. of plant parts such as flowers and fruit harvested from these bootlegged plants.

Currently, foreign growers can come to the U.S., acquire a plant, grow the plant, and then sell its fruits or flowers in U.S. markets without paying any royalty. This practice undercuts U.S. businesses that own the patents and penalizes growers who honor the U.S. patent. U.S. plant breeders lose a substantial amount of income annually from uncollected royalty payments due to this practice.

The loss of royalty income, and U.S. market share, adversely affects U.S. domestic research and breeding. This lost income inhibits investment in the plant research and development programs which are the foundation of a strong horticultural industry. Additionally, those who sell plant parts from unauthorized plants, and do not pay royalties for varieties illegally grown, enjoy an unfair competitive advantage over both producers who pay royalties and the patent holder who also markets the product.

It is time to clarify the Plant Patent Act of 1930 and protect U.S. businesses who develop and produce the plants that we all use and enjoy. Please join me and my fellow colleagues here today and pass H.R. 1197.

Mr. COBLE. 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 North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1197.

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.

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

Mr. SOLOMON. Mr. Speaker, on behalf of the chairman of the Committee on International Relations, who is momentarily delayed, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 334) relating to Taiwan's participation in the World Health Organization.

The Clerk read as follows:

H. CON. RES. 334

Whereas good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right;

Whereas direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS and Hong Kong bird flu through increased trade and travel;

Whereas the World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people;

Whereas in 1977 the World Health Organization established "Health for all by the year 2000" as its overriding priority and reaffirmed that central vision with the initiation of its "Health For All" renewal process in 1995;

Whereas Taiwan's population of 21,000,000 people is larger than that of ¾ of the member states already in the World Health Organization and shares the noble goals of the organization;

Whereas Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, the first Asian nation to be rid of polio, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas prior to 1972 and its loss of membership in the World Health Organization, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region;

Whereas Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas in recent years both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render such assistance;

Whereas according to the constitution of the World Health Organization, Taiwan does not fulfill the criteria for membership;

Whereas the World Health Organization does allow observers to participate in the activities of the organization; and

Whereas in light of all of the benefits that such participation could bring to the state of health not only in Taiwan, but also regionally and globally: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization; and

(2) it should be United States policy to pursue some initiative in the World Health Organization which will give Taiwan meaningful participation in a manner that is consistent with such organization's requirements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SOLOMON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) will each control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this bill.

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I could not share the time with a more distinguished gentleman than my good friend.

Again, Mr. Speaker, on behalf of our very, very distinguished and great chairman of the Committee on International Relations, the committee which I had the privilege of serving on for many, many years until someone we know named Robert Michel drug me kicking and screaming off of that committee and gave me a chance to serve on the Committee on Rules, I thank the gentleman from New York (Chairman GILMAN) for the support of this legislation. He is one of the major sponsors. He is a friend of our great friend and ally, the Republic of China on Taiwan.

I cannot help but think how things have a way of coming about full circle. As a freshman Member of this body 20 years ago, the first bill I worked on was the Taiwan Relations Act. I still believe that the legislation is one of the most significant achievements of my career and certainly of the whole period in which I have served in this Congress. Again, the gentleman from New York (Mr. GILMAN) was an integral part of that whole legislation.

Mr. Speaker, Members who have come to the House more recently may wonder why it is that so many of us more senior Members from both sides of the aisle are so concerned about Taiwan. Let me tell the Members why.

When President Carter broke off diplomatic relations with Taiwan in favor of recognizing Communist mainland China, that marked the only time in 210 years of constitutional history that our government has broken relations with a treaty ally without provocation and during a time of peace.

Whatever Members may have thought about the merits or the demerits of recognizing mainland Communist China, Members from both sides of the aisle at all points on the philosophical spectrum realized that a profoundly important and potentially dangerous precedent was being established by doing just that. Members reasoned that if America is seen as being unfaithful to its allies, America will soon have no allies at all.

So the Taiwan Relations Act was enacted as a way of assuring the people of Taiwan that America was not abandoning them and that the representatives of the American people, we Members of Congress, overwhelmingly stood solidly with them, regardless of the fact that the President, having the constitutional authority to conduct foreign policy, saw fit to derecognize them at that time. The entire world, and especially our other allies in Asia, needed that same reassurance.

In the years since then, many Members, myself included, have served as watchdogs to make sure that the Taiwan Relations Act, and that is the law of the land right today, Mr. Speaker, is adhered to in both the letter and the spirit of law.

The most important thing to be concerned about is that nothing be done, nothing ever be done, by omission or by commission, that can be construed as undercutting Taiwan or pressuring Taiwan to yield to coercion from mainland China. Mainland China is very good about doing that. They are great intimidators.

Mr. Speaker, the Taiwan Relations Act was a creative response to the unprecedented diplomatic challenge posed by the desire, in fact, the need, to maintain and protect close ties with a historic friend that found itself laboring under the burden of an ambiguous national identity, and still does.

One would have hoped that similarly creative thinking would have been done in various international institutions around the world, but that has not been especially forthcoming, and again, the reason is through the direct intimidation by the Communist Peoples' Republic of China.

Nevertheless, we have an opportunity today to do something positive. The resolution before us expresses the sense of Congress that Taiwan and its 21 million people, 21 million people, should have an appropriate and meaningful representation in the World Health Organization, and that the Clinton administration is urged to pursue an initiative to that end. That is what this resolution is all about.

Mr. Speaker, if there ever was a good place to start this, it is the World Health Organization. Let me tell the Members why. The World Health Organization is a humanitarian organization, as we all know. It is one of the few important international organizations that is not infected with what I call a political agenda. It is not prone to the bureaucratic growth, as most of these international organizations are.

Taiwan, and Members all should listen to this, Taiwan was a charter member of the World Health Organization and, as the resolution notes, made important contributions to the global fight against disease before being deprived of membership in 1972.

Taiwan has continued progress since then in eradicating disease and in establishing high standards of public health at home. That in fact means that it can contribute even more to the world today if the programs and cooperative forums of the World Health Organization were open to Taiwan's participation, again, with 21 million people.

Let me tell the Members how significant 21 million people is. We cannot pretend that a free and prosperous and advanced society of that many people does not exist. Indeed, Taiwan, and this is a point that I wanted to make, Taiwan has a larger population than three-fourths of the Members of the World Health Organization. Can Members imagine that?

Mr. Speaker, the resolution calls for those 21 million people to have an appropriate and meaningful participation in the World Health Organization. That is what it does. Surely the imagination exists to find a way to do that. If there ever is a problem, it would seem to be a matter of will.

But let this House make its voice heard, that Taiwan deserves to participate in the important work of the World Health Organization, and their 21 million need and deserve to be the beneficiaries of that organization. Taiwan has an awful lot to contribute.

Mr. Speaker, for this resolution I would just hope it would pass unanimously. I would like to give great credit for the wording of this resolution to my good friend, the gentleman from Nebraska (Mr. DOUGLAS BEREUTER), a classmate of mine 20 years ago. We helped also to write the Taiwan Relations Act. I would like to pay tribute to him and to the gentleman from New York (Chairman GILMAN) as I have spoken of before for his consideration.

This probably is the last time that he and I will collaborate here on this floor on a matter of common concern, and I thank him for all of his help through the years, both the gentleman from Nebraska (Mr. BEREUTER) and him.

Also, I think I saw the gentleman from Ohio (Mr. BROWN) come in. I would just like to also thank him for his interest on this issue. He and I were in Taiwan not too long ago, and he feels as strongly as I do about this measure.

Once again, I urge support of it, Mr. Speaker, and I ask unanimous consent that the gentleman from New York (Mr. GILMAN) may control the remainder of my time.

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

There was no objection.

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

Mr. Speaker, I also would like to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for his support and leadership, as well as the management of this legislation now pending before our colleagues.

□ 1315

I also want to commend the gentleman from New York (Mr. SOLOMON) for his eloquent remarks. Over the years, I have always respected his tremendous knowledge about Taiwan, and the rest of Southeast Asia for that matter, and his strong feelings about our security interests in this part of the world.

I want to commend also the gentleman from Nebraska (Mr. BEREUTER), Chairman of the Subcommittee on Asia and the Pacific, for his participation and also working and providing this resolution that is now before us. Of course, my good friend the gentleman from Ohio (Mr. BROWN) for his important role in initially bringing this issue to our attention.

Mr. Speaker, this resolution is a simple one. It States the sense of the Congress that Taiwan should have appropriate and meaningful participation in the World Health Organization, and it endorses an American policy that seeks to find a role for Taiwan, or the Republic of China, in the World Health Organization in a manner that is consistent with the World Health Organization's Constitution.

Mr. Speaker, I will note for my colleagues in the House that even the nonself-governing territories of the United States also participate actively with several programs offered by the World Health Organization. In fact, over the years the World Health Organization has provided scholarships for students from these insular areas, particularly in the areas of medicine, dentistry and nursing school. This scholarship program has been of tremendous assistance to these nonself-governing territories.

Mr. Speaker, Taiwan currently is conducting discussions and dialogue with the leadership of the People's Republic of China and we think this is a positive step to lessen the tensions between Taiwan, or the Republic of China, and the People's Republic of China.

Mr. Speaker, with a population of some 21 million people, Taiwan has achieved over the years one of the economic miracles of Asia. Taiwan currently has one of the most stable economies throughout Southeast Asia with foreign exchange reserves well over $100 billion. Taiwan was the first Asian Nation to eradicate the dreaded disease polio. Taiwan also was the first country in the world to provide its children vaccinations to combat hepatitis B.

Mr. Speaker, with its tremendous resources and expertise available to the fields of health care services, I honestly believe, Mr. Speaker, that the Republic of China, or Taiwan, should become a member of the World Health Organization. I urge my colleagues to vote in support of this resolution.

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

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

Mr. Speaker, I am pleased to rise today in strong support of House Concurrent Resolution 334 regarding Taiwan's participation in the World Health Organization. I am proud to be a cosponsor of this resolution.

First, I want to commend the gentleman from New York (Mr. SOLOMON), the distinguished chairman of our Committee on Rules and my good friend, for introducing and advocating this measure. This body will certainly miss his outstanding leadership as chairman of our Committee on Rules and his continued interest in our Nation's security and in our foreign policy. We thank the gentleman for his continued advocacy, not only on behalf of Taiwan, but so many other nations around the world.

Mr. Speaker, I also want to thank the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific, for helping to craft appropriate language for this resolution, as well as the gentleman from Ohio (Mr. BROWN) for his perseverance on this issue.

Mr. Speaker, I believe we all agree that good health is a basic human right of people everywhere. That right, though, can only be guaranteed if all people have unfettered access to all available resources regarding health care.

The World Health Organization, a United Nations body which has 191 participating entities, is one of those important resources. But today, regrettably, Taiwan, a Nation of 21 million people, has been denied a share in that basic human right. That is wrong, and it is time for the House to go on record correcting that.

Denying Taiwan participation in the World Health Organization is not justifiable in this day and age. Good health is a fundamental right of all people and the people of Taiwan are no exception.

United States support for Taiwan's participation in the World Health Organization is appropriate. In today's modern global environment, Taiwan's meaningful involvement in World Health Organization activities will benefit the people of Taiwan and the world as well.

So, it is time for the Clinton administration to do the right thing, to take affirmative action, and to seek appropriate participation for Taiwan in the World Health Organization.

There are opportunities for Taiwan to pursue observer status which would allow the people of Taiwan to participate in a substantive manner in the scientific and health activities of the WHO.

Consequently, I call upon the administration to pursue all initiatives in the WHO which will allow these 21 million people to share in the health benefits that the WHO can provide. That is the right thing to do and, accordingly, I urge my colleagues to fully support this resolution.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), my friend.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me this time.

Mr. Speaker, I rise in support of House Concurrent Resolution 334, a bill to support Taiwan's efforts to participate in the World Health Organization. I especially want to thank the gentleman from New York (Mr. SOLOMON) for his leadership and perseverance on this issue. Also the good work of the gentleman from American Samoa (Mr. FALEOMAVAEGA), as well as the gentleman from California (Mr. COX) for his work on this, and the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. GILMAN) as chairs of the subcommittee and committee, respectively, for their assistance and good work on this issue.

Mr. Speaker, every individual, regardless of political or economic background, should have access to first-rate medical care. I am pleased that this Congress is finally considering this important legislation before we adjourn this year.

Since 1972, the 21 million people of Taiwan have been blocked from participating in the World Health Organization. As a consequence, especially the children of Taiwan have needlessly suffered because their doctors are denied access to the latest WHO protocols.

Unfortunately, with each passing year, administration after administration in this country have contributed to Taiwan's plight by supporting China's assertion that its neighbor is not a nation and, therefore, should not be represented in the international community.

The fact of the matter is that participation for Taiwan in the World Health Organization poses no threat to Beijing's security but will actually enhance the quality of life for China 1.2 billion inhabitants in addition to Taiwan's 21 million citizens.

The WHO is not a political organization, as the gentleman from New York (Mr. SOLOMON) pointed out. Disregarding political parties, political philosophies, or political boundaries, the WHO works to eradicate and control disease and improve the health of people around the world. It has instituted highly effective immunization programs allowing hundreds of millions of children to live longer and better lives.

The WHO has already helped protect eight out of ten children worldwide from major childhood diseases, including tuberculosis and measles and has worked to reduce the infant mortality rate 40 percent since 1970. Mr. Speaker, we should all be deeply upset by our country's refusal to help Taiwan conquer diseases which we ourselves have already exterminated.

Taiwan's exclusion from the WHO has been tragic. While the President was visiting China this past July, scores of Taiwanese children were fighting for their lives against a new deadly flu-like virus which attacks the muscle sacs around the surrounding heart, brain, and upper spine. Over 70 infants died, and possibly 100,000 other children have become infected and face an uncertain future.

This tragedy further illustrates the importance of Taiwan's membership in

the WHO and the need to access the valuable expertise of this respected body. Young children and older citizens are particularly vulnerable to a host of emerging infectious diseases are without the knowledge and expertise shared among the member nations of the World Health Organization.

With increased travel and trade among the members of our global village, disease obviously does not stop at national borders and national boundaries. When we learn of outbreaks of an enterovirus in Taiwan, Ebola in Central Africa, or the Asian Bird Flu in Hong Kong, it is vital that the WHO be allowed to combat our nation's vulnerability to spreading infectious diseases before it reaches our shores.

Erecting boundaries to shared information which would help improve the health of every American is a foolish and a deadly policy. Twenty years ago, a mysterious and fatal virus from Africa first appeared in New York and San Francisco. Our national health care system, which is the finest in the world, was ill-prepared for the spread of what we now know to be the AIDS virus. Two decades later, AIDS has spread to all 50 States and killed over 100,000 Americans. It is not in our interest to limit membership in an organization which is dedicated to combating infectious disease.

Denying Taiwan the knowledge and the expertise of the WHO is a fundamental violation of human rights. With just under 22 million people, Taiwan's population is larger than 70 percent of the 191 members of the WHO, whose charter clearly states that membership shall be open to all states.

Good health is a basic right for every citizen of the world, and Taiwan's participation in the WHO would greatly help foster that right for its people. The people of Taiwan and their democratically elected government face many serious threats to their sovereignty. Chinese aggression and their continuing threat of force to settle their claim to Taiwan is a serious problem. Equally threatening is their efforts to continue to thwart Taiwan's efforts to help improve the health of its citizens.

Mr. Speaker, we are the only country in the world which can stand up to China and the international community. We have an obligation, Mr. Speaker, to support the Taiwanese people in their efforts to determine their own future. I call on all my colleagues to support House Concurrent Resolution 334, and to help Taiwan participate in the World Health Organization.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for his supportive remarks.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the chairman of Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for yielding me this time.

Mr. Speaker, I rise in strong support of H. Con. Res. 334 relating to the appropriate participation of Taiwan in the World Health Organization. I commend my colleague and classmate, the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his initiative on crafting this resolution.

Mr. Speaker, there is strong support for the people of Taiwan being able to take advantage of the information and services offered by the World Health Organization, the WHO. Given that fact, and given the fact that international travel makes the transmission of communicable diseases much more prevalent, it is illogical to deny WHO services to Taiwan's population of 21 or 22 million.

Moreover, there is much that Taiwan could offer in terms of medical and pharmaceutical expertise. This Member very strongly, therefore, is supportive of Taiwan having a meaningful role in the WHO. The difficulty has been the fact that the WHO only allows membership for states, and Taiwan does not fit within the definition of a state.

Mr. Speaker, this is a technical issue, but it is nonetheless an important issue. It relates directly to the fact that Taiwan and the People's Republic of China, the mainland, both claim the same territory. By and large, the international community supports the PRC's claim. As a result, Taiwan is denied full membership in organizations where statehood is a prerequisite.

There are some in Taiwan, and perhaps some in this country, who would push for membership in international organizations as an indirect method of altering Taiwan's sovereign status. While such motives are understandable, it is not the purpose of H. Con. Res. 334, and this body does not, therefore, become enmeshed in such a debate. It would otherwise, I think, unfortunately have been enmeshed in such a debate in the previous resolution. This resolution deals with legitimate humanitarian issues, while consciously avoiding the political dispute.

Mr. Speaker, the point of the resolution before us today is the important contribution to global health that would result from meaningful Taiwanese participation. The Taiwan Relations Act, which everyone in this body seems to support, certainly I do, expresses the expectation that the future of Taiwan will be determined by peaceful means. There is an expectation, and indeed I would say a requirement, that Beijing and Taipei talk to one another about substantive issues.

Mr. Speaker, such discussions are indeed about to take place again. Next week, on October 14, the mainland and the Taiwanese negotiators will meet to resume high-level discussions that have been in a 3-year hiatus. In recent weeks, the head of the association for relations across the Taiwan Strait, the PRC's chief negotiator, has indicated that Beijing may be willing to make significant concessions. Incredibly, there even has been talk about concepts of shared sovereignty. This Member would hope this negotiation does, in fact, happen, goes forward positively, and there will be a clear substantive negotiation.

If these negotiations are ultimately successful, or at least moved towards a successful conclusion, then both sides achieve a better situation. And then it may well be that one day resolutions such as this one before this body may not be necessary. But it is necessary at this point. I, of course, look forward to the day when we have a peaceful resolution of those difficulties.

Mr. Speaker, this Member would congratulate the author of this resolution again, the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules. The gentleman's support for Taiwan has been legendary and it has never wavered.

□ 1300

This Member is genuinely pleased that we were able to reach an accommodation on a measure so close to the gentleman's heart through the resolution which he crafted and introduced.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 334, recently introduced, I urge its speedy adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H. Con. Res. 334, and I rise thus in support of making it the official policy of the United States government that we favor the participation of the Republic of China and Taiwan in the World Health Organization.

Mr. Speaker, I would like to thank the gentleman from New York (Mr. GILMAN), the chairman of the committee, for the leadership he has provided on this. And, of course, the gentleman always provides the leadership and strength on pro-freedom initiatives and initiatives that deal with fundamental fairness.

I also want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his cooperation and leadership on that side of the aisle.

And, finally, I would like to thank the gentleman from New York (Mr. SOLOMON), who has been a fierce fighter for freedom and justice in this world and in this body. The gentleman will be

missed. And on issues just like this, he has always been there for the people struggling for freedom in various parts of the world.

Taiwan is, first and foremost, a free and democratic country. In the last few years we have seen an evolution in Taiwan that should serve as a shining example to the rest of Asia. In fact, as the rest of Asia sinks further towards tyranny and repression, Taiwan is reaching new heights, even in the face of threats against it, towards achieving its goal of a freer, more democratic, and more prosperous country.

In Taiwan, there are free elections, freedom of the press, freedom of religion, freedom of assembly and freedom of enterprise. This resolution tells the world that freedom counts to the American people. We should not be on the side of a communist regime's attempt, wherever it is, to in some way intimidate a group of free people.

That is the situation we have now in Asia, where one tyrannical government is trying to frighten the people of Taiwan. And we are saying by this that where people have had these reforms, we should be siding with those people, who have at least, or would like to participate in the rest of the free world. And that is what is going on in the Republic of China.

This, on the other hand, sends a message that we respect an elected government; the elected government in the Republic of China and Taiwan. And as I say, not only has it a good record in terms of their political record and their economic record, but the Republic of China and Taiwan has an admirable record of public health, which is consistent with any government's commitment to democracy. The foundation of democracy is the respect that all individuals have a right to live in dignity and with a decent and healthy life. So it is consistent, then, that that is what we find in Taiwan.

I wish to also take this moment to express something that perhaps some people in this body do not know about. And that is, Taiwan, with its 21 million people, through private foundations and also through government action, have been deeply involved with helping other people who face health crises and humanitarian crises throughout the world. Through the TzuChi Foundation, tons and tons of medicines have been sent to crisis areas throughout Asia.

And, in fact, the Republic of Taiwan and the TzuChi Foundation, they even have a free clinic in Southern California for everyone. There is a free clinic that is run by the TzuChi Foundation. These people care about humanity, and we should salute them today by this resolution and say they should be part of the World Health Organization. So I salute the Republic of China and Taiwan and the TzuChi Foundation and those good and decent values those people represent.

This resolution is the best way that I can think of for this Congress to salute that type of commitment to the ideals that we share as Americans. I rise in support of the resolution.

The SPEAKER pro tempore. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me this time, and I wish to thank not only the gentleman from Nebraska (Mr. BEREUTER) but also the gentleman from Ohio (Mr. BROWN) for the very solid work they did in bringing this legislation to the floor.

The concerns about sovereignty by the People's Republic of China ought not to take precedence over public health, certainly not over the health of children in Taiwan. Taiwan's access to the resources of the World Health Organization is a matter of morality.

I am thrilled that we are making this common sense step forward, putting good judgment and public policy ahead of politics. This is a very, very welcome resolution to support, it is sound foreign policy for the United States, and it reflects the best in bipartisanship in this Congress as we close our session. The solid work of the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Ohio (Mr. BROWN), in particular, working across the aisle, is very much to be commended, and I strongly support this resolution.

Mr. LANTOS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 334, advocating the participation of Taiwan in the World Health Organization. I want to pay tribute, first of all, to my distinguished colleague, Mr. BROWN of Ohio, who has fought for this necessary legislation with the courage and passion that he brings to so many important policy matters in this body. He is truly a champion for human rights, and I am proud to serve with him. I also want to pay tribute to our colleague GERALD SOLOMON, who has been a leading supporter of Taiwan for many decades.

House Concurrent Resolution 334 addresses a matter that, in my strongly held opinion, should transcend the political divides that characterize the complex China-Taiwan issue. This bill is about the health of children and adults, and about not letting the political anachronism of Taiwan's exclusion from the international community limit the ability of its children to receive medical treatments, vaccines, and support services that would allow them to fight disease with greater effectiveness and efficiency.

As we debate this issue this afternoon, Taiwan is attempting to cope with a fatal outbreak of a new, virulent strain of enterovirus type 71. This disease is highly contagious, and it strikes children and infants with devastating consequences, causing sever inflammation of muscles surrounding the brain, spinal cord, and heart. In the month of June alone, more than 50 children died from this horrible affliction.

Mr. Speaker, we have a moral responsibility to do everything in our power to ease the suffering of the Taiwanese people, and to achieve this end we must endorse Taiwan's participation in the WHO. The WHO has the capacity to the provide medical research and supplies to assuage the impact of the enterovirus epidemic, and we must not allow diplomatic technicalities to impede this worthy goal.

It is most appropriate that we encourage involvement by Taiwan in the WHO. Taiwan is a country of some 22 million people, with an advanced medical and research infrastructure and a highly trained cadre of medical personnel—many of whom have been educated at the finest universities in the United States.

Taiwan has much to contribute as a member of the WHO—it should be a member, it should be working with other nations to improve world health. The exclusion of Taiwan from the WHO has everything to do with petty politics and misguided pride in Beijing, but it is a great loss to the world community to exclude Taiwan.

Mr. Speaker, I emphatically urge my colleagues to join me in standing up for the human rights of the children of Taiwan by voting for House Concurrent Resolution 334.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of House Concurrent Resolution 334. This resolution expresses the sense of the Congress that Taiwan and its 21 million people should have appropriate and meaningful participation in the World Health Organization (WHO).

The WHO Constitution states that the "enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition." Yet today, Taiwan is excluded from participation in the WHO because of political pressure from the People's Republic of China.

This means that the people of Taiwan cannot share in the WHO's vital resources and expertise. Taiwanese physicians and health experts are not allowed to take part in WHO-organized forums and workshops regarding the latest techniques in the diagnosis, monitoring and control of diseases. Taiwanese doctors do not have access to WHO medical protocols and health standards.

This is simply not right. Diseases do not stop at national boundaries, and with today's high frequency of international travel, the possibility of transmitting infectious diseases is greater than ever. Good health is a basic right for every citizen of the world, and Taiwan should be granted membership in the WHO.

Despite its exclusion from the WHO, Taiwan has made some remarkable achievements in the field of health, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, and the eradication of infectious diseases such as smallpox and the plague. Taiwan is the first Asian nation to be rid of polio and the first country in the world to provide children with free hepatitis B vaccinations.

Prior to 1972 and its loss of membership in the WHO, Taiwan sent specialists to serve on health projects in other members countries, and its experts held key positions in the WHO.

In recent years, the Taiwanese government has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but it has been unable to render such assistance because it is unable to participate in the international health organization.

Taiwan's population of 21 million people is larger than three-quarters of the member states already in the WHO. Clearly, Taiwan and the world community could benefit by its participation in the WHO. I believe the United States should actively support Taiwan's membership in the World Health Organization.

I urge my colleagues to support this important resolution.

Mr. BROWN of Ohio. Mr. Speaker, I insert the following for the RECORD.

[From the Washington Post, July 8, 1998]

DON'T TAIWANESE CHILDREN COUNT?

(By Sherrod Brown)

While President Clinton was visiting China, scores of Taiwanese children just across the straits were continuing to fight for their lives against a new, deadly virus. Unfortunately, the doctors treating this illness do not have access to the medical resources of the World Health Organization (WHO) because the regime in China will not permit Taiwan to gain membership. The fact that Taiwan is severely crippled in its effort to save children is a tragedy, with deadly implications for children the world over if this virus is not halted.

Taiwan is in the grip of a fatal epidemic that's showing no sign of slowing down. Over the past month, more than 50 children have reportedly died due to the outbreak of a virulent strain of enterovirus type 71, which causes severe inflammation of muscles surrounding the brain, spinal cord and heart. Infants and children are most vulnerable to this highly contagious virus.

Physicians treating the children unfortunately do not have access to the best medical information available because Taiwan is not allowed membership in the WHO, and cannot share in the organization's vital resources and expertise. This issue should not be about geopolitics; it should be about helping humanity.

Over the past half-century, the WHO has become the foremost international organization working to control and eradicate disease and to improve health for people the world over. Through the WHO's highly effective immunization programs, millions of children live better, longer and healthier lives. The WHO has already helped protect some eight out of 10 children worldwide from major childhood diseases, including measles and tuberculosis, and has worked to reduce the global infant morality rate by 37 percent since 1970. The WHO was also instrumental in eradicating the smallpox epidemic, which spread to 31 countries in the late 1960s and claimed nearly two million lives.

Children suffer from the effects of inadequate health care, whether they live in Los Angeles, Milan, Hong Kong, or Taipei. With the high frequency of international travel, the risk of transmitting infectious diseases such as AIDS, the Hong Kong bird flu and the enteovirus is greater than ever. In addition, increased international trade leads to a greater potential for the cross-border spread of such deadly viruses.

I believe the denial of WHO membership to Taiwan is an unjustifiable violation of its people's fundamental human rights. Good health is a basic right for every citizen of the world, and Taiwan's admission to the WHO would greatly help foster that right for its people.

China, of course, is not the only obstacle to Taiwan's admission to the WHO. The Clinton administration, as with the two previous administrations, does not support Taiwan's participation in international organizations. However, the U.S. State Department's 1994 Taiwan Policy Review clearly stated it would more actively support Taiwan's membership in international organizations when the U.S. government determines that "it is clearly appropriate."

I and more than 50 of my colleagues in the House believe U.S. support for Taiwan's admission to the WHO is and has long been "clearly appropriate." Last February, I introduced a resolution expressing the sense of Congress that Taiwan and its people should be represented in the WHO and that it should be U.S. policy to support Taiwan's membership.

As the WHO celebrates its 50th anniversary this year, the organization can proudly claim 191 nations as members. But for the past 25 years, Taiwan has been shut out of the WHO because of China's continued intransigence toward its small island neighbor. Every day, children and the elderly in Taiwan suffer needlessly because their doctors aren't able to have access to WHO medical protocols that save lives. The longer we wait, the more desperate the situation in Taiwan grows. We must act immediately to right a very serious wrong.

Mr. BERMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 334, Relating to Taiwan's Participation in the World Health Organization.

I congratulate Mr. SHERROD BROWN for the intense efforts he has made to bring this resolution before the House. House Concurrent Resolution 334 is a substitute resolution to House Joint Resolution 126, which Mr. BROWN had introduced earlier and which I was a cosponsor.

This resolution calls attention to what I think we would all consider a basic human right, that is the right of every citizen to good health and access to the highest standards of health information and services. Denying a country of 21 million people to such international institutions as the World Health Organization should embarrass the member states of the United Nations who insist on keeping those doors shut to the Taiwanese people.

But I think this resolution points up an even more egregious mistake by the international community. The fundamental issue is not whether or not Taiwan should be a member of the World Health Organization. The issue is whether or not the international community should exclude a country like Taiwan from membership in any international organizations. We have a situation today in which pariah nations such as North Korea, Iraq, and Burma are members of the United Nations and actively participate—mostly in a negative fashion in terms of American interests—in all the activities of the United Nations and its specialized agencies. Whereas Taiwan which is democratic, with a free market economy, and with the third largest foreign exchange reserves in the world is unable to participate in almost every international organization.

There is something out of balance here that needs to be rectified. The Clinton administration in 1994 Taiwan Policy Review vowed to seek Taiwanese membership in "appropriate" international organizations. So far, no "appropriate" organizations have been found. I would urge the administration to intensify its search.

I think there are such organizations readily at hand in this city: the International Monetary Fund and the World Bank.

We are in the midst of a world economic crisis. Some respected economists even paint the dismal picture of an imminent world depression. The devastating effects of economic collapse are already apparent in the developing country and they are spreading to other states. The world's economy is sick. With foreign exchange reserves totaling $88 billion, Taiwan has some of the medicine which can help the rest of the world recover. We should be seeking for ways to help Taiwan contribute to the well-being of the international community, not finding ways to exclude Taiwan.

I am proud to be a cosponsor of the original resolution and, as ranking member of the Asia and Pacific Subcommittee of the International Relations Committee, I urge my colleagues to support the one before us today.

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express my strong support for House Concurrent Resolution 334 calling for Taiwan's participation in World Health Organization (WHO) activities because it is good policy. It is my hope that the United States will support this bid.

It does not matter where people live. They may live in the Chinatown area of my district, the 7th Congressional District of Illinois, or on the West Coast in Seattle, Washington, or overseas in Taipei, Taiwan. Regardless, the humane thing to do is to care for ill children, the elderly, all people. Are we playing politics with the 21 million people that reside in Taiwan? I am a firm believer in that the people shall not suffer as a result of government policies. If women and children are ailing, we need to assist in whatever way possible that is within our means.

The bottom line is that the people of Taiwan can access better healthcare if the country is allowed representation in the World Health Organization.

Moreover, in recent years the people of Taiwan have successfully defended their participation in a number of multilateral groups, including, but not limited to the Asian Development Bank, the Pacific Basin Economic Council. Although the composition for their participation varies from group to group, their pragmatic importance is inevitable.

I urge my colleagues to recognize the importance of the country of Taiwan in the global arena and support their entry into the WHO.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. SOLOMON) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 334.

The question was taken.

Mr. SOLOMON. 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. Pursuant to clause 5, rule I, and the Chair's

prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes;

CONFERENCE REPORT (H. REPT. 105–803)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260), to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Litigation Uniform Standards Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Private Securities Litigation Reform Act of 1995 sought to prevent abuses in private securities fraud lawsuits;

(2) since enactment of that legislation, considerable evidence has been presented to Congress that a number of securities class action lawsuits have shifted from Federal to State courts;

(3) this shift has prevented that Act from fully achieving its objectives;

(4) State securities regulation is of continuing importance, together with Federal regulation of securities, to protect investors and promote strong financial markets; and

(5) in order to prevent certain State private securities class action lawsuits alleging fraud from being used to frustrate the objectives of the Private Securities Litigation Reform Act of 1995, it is appropriate to enact national standards for securities class action lawsuits involving nationally traded securities, while preserving the appropriate enforcement powers of State securities regulators and not changing the current treatment of individual lawsuits.

TITLE I—SECURITIES LITIGATION UNIFORM STANDARDS

SEC. 101. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) PRESERVATION OF CERTAIN ACTIONS.—

"(1) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(A) ACTIONS PRESERVED.—Notwithstanding subsection (b) or (c), a covered class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(B) PERMISSIBLE ACTIONS.—A covered class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(2) STATE ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

"(3) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding subsection (b) or (c), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(4) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to subsection (c), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(2) COVERED CLASS ACTION.—

"(A) IN GENERAL.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(B) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (A), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

"(C) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.

"(3) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under this title pursuant to rules issued by the Commission under section 4(2).".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 27(b) of the Securities Act of 1933 (15 U.S.C. 77z–1(b)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this subsection.".

(3) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by inserting "except as provided in section 16 with respect to covered class actions," after "Territorial courts,"; and

(B) by striking "No case" and inserting "Except as provided in section 16(c), no case".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) AMENDMENT.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(A) in subsection (a), by striking "The rights and remedies" and inserting "Except as provided in subsection (f), the rights and remedies"; and

(B) by adding at the end the following new subsection:

"(f) LIMITATIONS ON REMEDIES.—

"(1) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

"(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(2) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

"(3) PRESERVATION OF CERTAIN ACTIONS.—

"(A) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(i) ACTIONS PRESERVED.—Notwithstanding paragraph (1) or (2), a covered class action described in clause (ii) of this subparagraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(ii) PERMISSIBLE ACTIONS.—A covered class action is described in this clause if it involves—

"(I) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(II) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

"(aa) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(bb) concerns decisions of such equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(B) STATE ACTIONS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, nothing in this subsection may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(ii) STATE PENSION PLAN DEFINED.—For purposes of this subparagraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of a State or political subdivision thereof, or by any agency or instrumentality thereof.

"(C) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding paragraph (1) or (2), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(D) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to paragraph (2), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(4) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(B) COVERED CLASS ACTION.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(C) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (B), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

"(D) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(E) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under the Securities Act of 1933 pursuant to rules issued by the Commission under section 4(2) of that Act.

"(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 21D(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(3)) is amended by adding at the end the following new subparagraph:

"(D) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court, as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this paragraph.".

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

SEC. 102. PROMOTION OF RECIPROCAL SUBPOENA ENFORCEMENT.

(a) COMMISSION ACTION.—The Securities and Exchange Commission, in consultation with State securities commissions (or any agencies or offices performing like functions), shall seek to encourage the adoption of State laws providing for reciprocal enforcement by State securities commissions of subpoenas issued by another State securities commission seeking to compel persons to attend, testify in, or produce documents or records in connection with an action or investigation by a State securities commission of an alleged violation of State securities laws.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Securities and Exchange Commission (hereafter in this section referred to as the "Commission") shall submit a report to the Congress—

(1) identifying the States that have adopted laws described in subsection (a);

(2) describing the actions undertaken by the Commission and State securities commissions to promote the adoption of such laws; and

(3) identifying any further actions that the Commission recommends for such purposes.

TITLE II—REAUTHORIZATION OF THE SECURITIES AND EXCHANGE COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission, $351,280,000 for fiscal year 1999.

"(b) MISCELLANEOUS EXPENSES.—Funds appropriated pursuant to this section are authorized to be expended—

"(1) not to exceed $3,000 per fiscal year, for official reception and representation expenses;

"(2) not to exceed $10,000 per fiscal year, for funding a permanent secretariat for the International Organization of Securities Commissions; and

"(3) not to exceed $100,000 per fiscal year, for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives, and staff to exchange views concerning developments relating to securities matters, for development and implementation of cooperation agreements concerning securities matters, and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings, including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel or transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

SEC. 202. REQUIREMENTS FOR THE EDGAR SYSTEM.

Section 35A of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) is amended—

(1) by striking subsections (a), (b), (c), and (e); and

(2) in subsection (d)—

(A) by striking "(d)";

(B) in paragraph (2), by striking "; and" at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 203. COMMISSION PROFESSIONAL ECONOMISTS.

Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) ECONOMISTS.—

"(A) COMMISSION AUTHORITY.—Notwithstanding the provisions of chapter 51 of title 5, United States Code, the Commission is authorized—

"(i) to establish its own criteria for the selection of such professional economists as the Commission deems necessary to carry out the work of the Commission;

"(ii) to appoint directly such professional economists as the Commission deems qualified; and

"(iii) to fix and adjust the compensation of any professional economist appointed under this paragraph, without regard to the provisions of chapter 54 of title 5, United States Code, or subchapters II, III, or VIII of chapter 53, of title 5, United States Code.

"(B) LIMITATION ON COMPENSATION.—No base compensation fixed for an economist under this paragraph may exceed the pay for Level IV of the Executive Schedule, and no payments to an economist appointed under this paragraph shall exceed the limitation on certain payments in section 5307 of title 5, United States Code.

"(C) OTHER BENEFITS.—All professional economists appointed under this paragraph shall remain within the existing civil service system with respect to employee benefits.".

TITLE III—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 301. CLERICAL AND TECHNICAL AMENDMENTS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended as follows:

(1) Section 2(a)(15)(i) (15 U.S.C. 77b(a)(15)(i)) is amended—

(A) by striking "3(a)(2) of the Act" and inserting "3(a)(2)"; and

(B) by striking "section 2(13) of the Act" and inserting "paragraph (13) of this subsection".

(2) Section 11(f)(2)(A) (15 U.S.C. 77k(f)(2)(A)) is amended by striking "section 38" and inserting "section 21D(f)".

(3) Section 13 (15 U.S.C. 77m) is amended—

(A) by striking "section 12(2)" each place it appears and inserting "section 12(a)(2)"; and

(B) by striking "section 12(1)" each place it appears and inserting "section 12(a)(1)".

(4) Section 18 (15 U.S.C. 77r) is amended—

(A) in subsection (b)(1)(A), by inserting ", or authorized for listing," after "Exchange, or listed";

(B) in subsection (c)(2)(B)(i), by striking "Capital Markets Efficiency Act of 1996" and inserting "National Securities Markets Improvement Act of 1996";

(C) in subsection (c)(2)(C)(i), by striking "Market" and inserting "Markets";

(D) in subsection (d)(1)(A)—

(i) by striking "section 2(10)" and inserting "section 2(a)(10)"; and

(ii) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (a) and (b)";

(E) in subsection (d)(2), by striking "Securities Amendments Act of 1996" and inserting "National Securities Markets Improvement Act of 1996"; and

(F) in subsection (d)(4), by striking "For purposes of this paragraph, the" and inserting "The".

(5) Sections 27, 27A, and 28 (15 U.S.C. 77z–1, 77z–2, 77z–3) are transferred to appear after section 26, in that order.

(6) Paragraph (28) of schedule A of such Act (15 U.S.C. 77aa(28)) is amended by striking "identic" and inserting "identical".

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended as follows:

(1) Section 3(a)(10) (15 U.S.C. 78c(a)(10)) is amended by striking "deposit, for" and inserting "deposit for".

(2) Section 3(a)(12)(A)(vi) (15 U.S.C. 78c(a)(12)(A)(vi)) is amended by moving the margin 2 em spaces to the left.

(3) Section 3(a)(22)(A) (15 U.S.C. 78c(a)(22)(A)) is amended—

(A) by striking "section 3(h)" and inserting "section 3"; and

(B) by striking "section 3(t)" and inserting "section 3".

(4) Section 3(a)(39)(B)(i) (15 U.S.C. 78c(a)(39)(B)(i)) is amended by striking "an order to the Commission" and inserting "an order of the Commission".

(5) The following sections are each amended by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System": subsections (a) and (b) of section 7 (15 U.S.C. 78g(a), (b)); section 17(g) (15 U.S.C. 78q(g)); and section 26 (15 U.S.C. 78z).

(6) The heading of subsection (d) of section 7 (15 U.S.C. 78g(d)) is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(7) Section 14(g)(4) (15 U.S.C. 78n(g)(4)) is amended by striking "consolidation sale," and inserting "consolidation, sale,".

(8) Section 15 (15 U.S.C. 78o) is amended—

(A) in subsection (c)(8), by moving the margin 2 em spaces to the left;

(B) in subsection (h)(2), by striking "affecting" and inserting "effecting";

(C) in subsection (h)(3)(A)(i)(II)(bb), by inserting "or" after the semicolon;

(D) in subsection (h)(3)(A)(ii)(I), by striking "maintains" and inserting "maintained";

(E) in subsection (h)(3)(B)(ii), by striking "association" and inserting "associated".

(9) Section 15B(c)(4) (15 U.S.C. 78o–4(c)(4)) is amended by striking "convicted by any offense" and inserting "convicted of any offense".

(10) Section 15C(f)(5) (15 U.S.C. 78o–5(f)(5)) is amended by striking "any person or class or persons" and inserting "any person or class of persons".

(11) Section 19(c)(5) (15 U.S.C. 78s(c)(5)) is amended by moving the margin 2 em spaces to the right.

(12) Section 20 (15 U.S.C. 78t) is amended by redesignating subsection (f) as subsection (e).

(13) Section 21D (15 U.S.C. 78u–4) is amended—

(A) in subsection (g)(2)(B)(i), by striking "paragraph (1)" and inserting "subparagraph (A)".

(B) by redesignating subsection (g) as subsection (f); and

(14) Section 31(a) (15 U.S.C. 78ee(a)) is amended by striking "this subsection" and inserting "this section".

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended as follows:

(1) Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) is amended by striking "Unitde" and inserting "United".

(2) Section 3(b) (15 U.S.C. 80a–3(b)) is amended by striking "paragraph (3) of subsection (a)" and inserting "paragraph (1)(C) of subsection (a)".

(3) Section 12(d)(1)(G)(i)(III)(bb) (15 U.S.C. 80a–12(d)(1)(G)(i)(III)(bb)) is amended by striking "the acquired fund" and inserting "the acquired company".

(4) Section 18(e)(2) (15 U.S.C. 80a–18(e)(2)) is amended by striking "subsection (e)(2)" and inserting "paragraph (1) of this subsection".

(5) Section 30 (15 U.S.C. 80a–29) is amended—

(A) by inserting "and" after the semicolon at the end of subsection (b)(1);

(B) in subsection (e), by striking "semi-annually" and inserting "semiannually"; and

(C) by redesignating subsections (g) and (h), as added by section 508(g) of the National Securities Markets Improvement Act of 1996, as subsections (i) and (j), respectively.

(6) Section 31(f) (15 U.S.C. 80a–30(f)) is amended by striking "subsection (c)" and inserting "subsection (e)".

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.) is amended as follows:

(1) Section 203(e)(8)(B) (15 U.S.C. 80b–3(e)(8)(B)) is amended by inserting "or" after the semicolon.

(2) Section 222(b)(2) (15 U.S.C. 80b–18a(b)(2)) is amended by striking "principle" and inserting "principal".

(e) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended as follows:

(1) Section 303 (15 U.S.C. 77ccc) is amended by striking "section 2" each place it appears in paragraphs (2) and (3) and inserting "section 2(a)".

(2) Section 304(a)(4)(A) (15 U.S.C. 77ddd(a)(4)(A)) is amended by striking "(14) of subsection" and inserting "(13) of section".

(3) Section 313(a) (15 U.S.C. 77mmm(a)) is amended—

(A) by inserting "any change to" after the paragraph designation at the beginning of paragraph (4); and

(B) by striking "any change to" in paragraph (6).

(4) Section 319(b) (15 U.S.C. 77sss(b)) is amended by striking "the Federal Register Act" and inserting "chapter 15 of title 44, United States Code,".

SEC. 302. EXEMPTION OF SECURITIES ISSUED IN CONNECTION WITH CERTAIN STATE HEARINGS.

Section 18(b)(4)(C) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(C)) is amended by striking "paragraph (4) or (11)" and inserting "paragraph (4), (10), or (11)".

And the House agree to the same.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of

meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated,[2] (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the "Reform Act") and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substition effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its pecular litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

[1] Public law 104-290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104-67 (December 22, 1995).

[4] Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105-85, at 41-45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities' "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105-182, at 3 (July 27, 1998).

SUPPORTING THE BALTIC PEOPLE OF ESTONIA, LATVIA, AND LITHUANIA, AND CONDEMNING THE NAZI-SOVIET PACT OF NON-AGGRESSION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939, as amended.

The Clerk read as follows:

H. CON. RES. 320

Whereas on February 16, 1918, February *24*, 1918, and November 18, 1918, Lithuania, Estonia, Latvia, declared, respectively, their independence and became democratic, peace-loving states with membership in the League of Nations and diplomatic representation in the United States;

Whereas on August 23, 1939, emissaries of Adolf Hitler and Joseph Stalin, Nazi German Foreign Minister Ribbentrop and Soviet Foreign Minister Molotov, signed an agreement known as the Nazi-Soviet Pact of Non-Aggression which contained secret protocols that illegally divided Eastern Europe into spheres of influence with Estonia, Latvia, and part of Poland going to the Soviet Union and Lithuania and Poland going to Nazi Germany;

Whereas the Soviet Army fulfilled the Nazi-Soviet Pact of Non-Aggression by illegally invading Lithuania on June 15, 1940, and invading both Latvia and Estonia on June 17, 1940;

Whereas this illegal and forcible occupation was never recognized by the United States and successive United States Administrations maintained continuous diplomatic relations with these countries throughout the Soviet period, never once considering them to be "Soviet Republics";

Whereas the Baltic peoples valiantly re-established their independence through peaceful means and the United States recognized their independent governments in 1991; and

Whereas Lithuania, Latvia, and Estonia have achieved commendable success in the eight years since they re-established independence, including full democracy, significant economic reforms, and civilian control of a new military based on Western standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in observance of the 59th anniversary of the Nazi-Soviet Pact of Non-Aggression, the Congress—

(1) reaffirms the United States policy of the non-recognition of the occupation by the Soviet Union of Lithuania, Latvia, and Estonia subsequent to the Nazi-Soviet Pact of Non-Aggression, which for the 50 years after the signing of such Pact was a commendable bipartisan policy that refused to legally recognize the Soviet occupation of these countries;

(2) urges Russia, in the spirit of democracy, to renounce the Nazi-Soviet Pact of Non-Aggression and its secret supplemental protocols, as illegal;

(3) welcomes and supports the signing of the United States-Baltic Charter by the United States, Lithuania, Latvia, and Estonia that reiterates the strong historical kinship between the peoples of these countries; and

(4) calls on the President and Secretary of State to work to ensure that Russia understands that the Nazi-Soviet Pact of Non-Aggression should be considered illegal and null and void.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) 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 House Concurrent Resolution 320, the measure under consideration.

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, this resolution reiterates an important aspect of our policy towards the three Baltic states of Latvia, Lithuania and Estonia, namely, that our Nation has never recognized their invasion by the military forces of the former Soviet Union and the former Nazi Germany or their occupation and absorption by the former Soviet regime as legal acts. This is an extremely important measure to remember as we consider the actions of the Russian Federation in regards to the newly independent Baltic States.

As much as we should call for fair treatment of all citizens of the Baltic States, we should remember that the acts of Russia's predecessor State, the Soviet Union, towards Estonia, Latvia and Lithuania were illegal. We should also bear in mind that, due to the purposeful policies of the former Soviet regime, specifically its attempts to Russify the Baltic States through policies of deportation of Baltic residents of those states and settlement of ethnic Russians in those states, the Baltic countries are today faced with the presence of large numbers of ethnic Russian residents, many of whom appear to resent the renewed independence of those states.

The actions of the Russian government with regard to the small Baltic states has not been reassuring. Despite the fact that, at the urging of the United States and the European Union, the Baltic governments have adopted policies meant to fairly integrate ethnic Russians into their politics and society, the Russian government in Moscow seems determined to take advantage of any complaint voiced by ethnic Russians in the Baltic states to renew their harsh criticism of those countries and to claim violations of the human rights of ethnic Russians.

Recent actions threatened against the government of Latvia by the Russian government do not give us any assurance that Russia intends to undertake a fair and balanced approach towards the small Baltic countries and their renewed independence. I would suggest that if the Russian government wishes our Nation and the international community to take more seriously its allegations of violations of human rights of ethnic Russians in the Baltics, it ought to first do as the resolution states:

Officially acknowledge that the actions of its predecessor state towards the Baltic countries, as embodied in the Molotov-Ribbentrop Pact of 1939 and exemplified by Soviet occupation and Russification of the Baltic states, were illegal.

In concluding, I want to note that the resolution also states congressional support for the U.S.-Baltic Charter, signed by our President and the Presidents of the three Baltic states in January of this year. Although there is some concern in the Congress over the increasing use of charters that do not require ratification, the U.S.-Baltic Charter outlines the importance of U.S. interaction with the Baltic states and assistance to them as they seek to integrate into the pan-European and trans-Atlantic nations. I certainly support that approach in our bilateral policy towards those three States.

I want to commend the gentleman from New York (Mr. SOLOMON) for being a staunch advocate of this measure and for taking an active role in bringing this measure to the floor at this time. Accordingly, I support the approval of this resolution.

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

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

Mr. Speaker, again I want to commend the gentleman from New York (Mr. GILMAN), the chairman of our Committee on International Relations, for his leadership and for bringing this piece of legislation to the floor. My commendation also to the gentleman from New York (Mr. SOLOMON) for his participation and his support of this legislation; and certainly my good friend, the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from California (Mr. ROHRABACHER) for their support.

Mr. Speaker, this resolution gives a sense of observation and recognition of this 59th anniversary of the Nazi-Soviet Pact of Non-Aggression. The resolution reaffirms the U.S. Policy of the nonrecognition of the occupation by the Soviet Union of the free Baltic states, mainly Latvia, Estonia and Lithuania, subsequent to this infamous non-agression pact which was done in 1939.

The resolution also urges Russia to renounce as illegal the Molotov-Ribbentrop NonAgression Pact and its secret protocols.

□ 1345

The resolution welcomes the signing of the U.S.-Baltic Charter in January 1998, and it calls also on the President and the Secretary of State to ensure that Russia understands that the Nazi-Soviet Non-Aggression Pact should be considered illegal, null and void.

The resolution will have no impact on U.S. foreign policy, Mr. Speaker. Rather, it is intended as an implicit warning to the Russians to keep their hands off the Baltic states and to emphasize that these states are no longer in the Russian sphere of influence. This resolution may cause minor problems with our Russian friends, but so it does call on the administration to push our Russian friends to formally renounce the nonaggression pact as illegal, null and void.

The administration does not oppose this resolution, Mr. Speaker. Privately it questions its need and utility, but we think it is important.

Mr. Speaker, it is important that we continue to condemn the Nazi-Soviet Non-Aggression Pact of 1939 which led directly to the illegal incorporation of Lithuania, Latvia and Estonia into the Soviet Union, an act which the United States for some 50 years refused to recognize.

Mr. Speaker, in 1918 under the League of Nations then, the countries of Lithuania, Estonia and Latvia were fully recognized as sovereign and independent nations and these nations were duly recognized even by our own country. But then in 1939 the nations of Germany under Adolf Hitler and Russia under Joseph Stalin signed an agreement known as the Nazi-Soviet Pact of Non-Aggression which basically divided these Baltic states. Estonia and Latvia went to Poland, Poland became part of the Soviet Union, and, of course, Lithuania became part of Germany. But in 1940 the Soviet Union invaded these three countries and occupied them ever since then.

Mr. Speaker, ironically our country never officially recognized the occupation of these three countries. In 1991 with the collapse of the former Soviet Union, the Cold War was over, these Baltic states are again duly recognized as sovereign and independent nations.

As the process of NATO enlargement unfolds next year, Mr. Speaker, it is important that we underscore our strong commitment to the continued independence, sovereignty, territorial integrity and security of these three Baltic states.

The bottom line, Mr. Speaker, I am reminded of an African proverb that states that when two elephants fight, the grass gets trodden. It seems that these countries, Lithuania, Latvia and Estonia, always get caught when larger and more powerful nations fight.

Mr. Speaker, I submit, let us not allow this to happen again to these three states. A couple of years ago it

was my privilege to visit the newly recognized states of Estonia and Latvia. They are good people, no different from us here in America.

I submit, Mr. Speaker, that we have got to recognize the importance of this resolution. I urge my colleagues to support this resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. SOLOMON) chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time, and I rise in the strongest possible support for the resolution. I really do want to commend the gentleman from Illinois (Mr. SHIMKUS) for his initiative here and certainly the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from New York (Mr. GILMAN) and my good friend the gentleman from Nebraska (Mr. BEREUTER) for their very strong support of this legislation.

The forcible incorporation of Lithuania, Latvia and Estonia into the Soviet Union in 1940 was one of the greatest tragedies of this 20th century. Invaded by Soviet troops pursuant to a secret pact between Hitler and Stalin, the three Baltic nations had their freedom and their sovereignty totally obliterated for a half century, 50 years. But Soviet jackboots could not stamp out the pride, the religious and cultural strength, and the national identities of the Lithuanian, Latvian and Estonian peoples. Ten American Presidents, five Democrats and five Republicans, refused to recognize the Baltic nations as part of the Soviet Union. Indeed our government, and I was so proud of both political parties, helped keep open the embassies these nations had right here in Washington, D.C. as a symbol of hope for those people. All Americans rejoiced in 1990 when Lithuania, Latvia and Estonia regained their independence as the Iron Curtain came tumbling down thanks to Ronald Reagan and this Congress and others.

But we must never allow ourselves to slip into a false sense of security. The forces of a vicious nationalism are on the rise again in Russia today, Mr. Speaker. Senior Russian officials, including Boris Yeltsin, insist on using ominous terms such as "former Soviet republics" when they mention Latvia, Lithuania and Estonia. And so this resolution is very timely here today. By passing this resolution, we will reaffirm the historic U.S. policy that condemned the forcible enslavement of the Baltic nations and refuse to give it any color of diplomatic recognition or legality. Mr. Speaker, moreover we will be calling upon the administration to reinforce that very policy with Russia so as to urge Moscow to renounce once and for all any claim on the Baltics.

Finally, Mr. Speaker, I would just make a personal note. It is my fervent hope that the next round of NATO expansion will include Latvia, Lithuania and Estonia. I am sure many Members here join me in that hope. I look forward to the day when the historic political orientation toward the West that these nations have always had is recognized by bringing them into NATO.

I want to commend—and this is not like JERRY SOLOMON—I want to commend President Clinton for his support of the Baltics at the meeting of NATO in Madrid that approved the acceptance of Poland, Hungary and the Czech Republic. At that meeting President Clinton accepted my language that made it clear that regardless of size, regardless of geographic location, regardless of political consideration, the Baltics would be included in the open door policy of offering NATO membership to new democracies who otherwise meet the criteria that the NATO allies have set.

Mr. Speaker, I want to again thank all these Members, the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from New York (Mr. GILMAN) and certainly the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. BEREUTER) for bringing this legislation to the floor.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. Again I want to compliment the statement and remarks of the gentleman from New York. This is not meant to be trite or repetitious, but again we are going to miss you, JERRY. I hope all the best for you in your future endeavors.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 320, a measure which signals our support for the Baltic people of Estonia, Latvia and Lithuania and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939.

In 1939, emissaries of Hitler and Stalin signed an agreement known as the Nazi-Soviet Pact of Non-Aggression. This pact illegally divided Eastern Europe into spheres of influence. One year later, the Soviet army invaded Lithuania, Latvia and Estonia in fulfillment of the Nazi-Soviet agreement. This occupation ruthlessly suppressed the ethnic identities of the three Baltic countries.

The illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union was a unilateral act of force with no legal basis in international law. Under Soviet occupation, there was seizing of property, rigging of elections and mass deportations.

Mr. Speaker, during this grim time, the United States never recognized the Baltics as part of the Soviet Union.

In 1990, the Baltics reestablished their independence and shed the yoke of Communist domination. Since that time, each country has been working diligently towards democratic reforms, including religious freedom, which we have talked about so many times on this floor, and movement toward effective free market economies, which we have talked about so many times on this floor.

That is why this measure is necessary. We need to demonstrate our support for the Baltic countries. They are embracing democratic values. Not surprisingly, Lithuania this year elected a Lithuanian-born American citizen, Valdas Adamkus, as their new President. In fact, Lithuania will most likely be the first Baltic country to be ready for NATO membership.

And why not? The Baltics would like to gain membership into NATO. Russian leaders have stated recently that any territory formerly part of the Soviet Union should still be considered under the Russian sphere of influence, unavailable for membership in NATO.

We cannot allow Russia to dictate what NATO is about. We cannot allow Russia to dictate what this country, the United States, is all about. We must continue to build bridges to freedom, international freedom throughout the world. These emerging democracies need full United States support.

That is exactly what this measure does, Mr. Speaker. It reaffirms the United States policy of not recognizing the illegal occupation of the Baltics, and it reiterates our support of the United States-Baltic Charter which was signed earlier this year.

We need to fan the fire of democracy and freedom in these countries. Let us help the Baltic people realize their dreams and secure a prosperous and democratic future. I urge my colleagues to vote "yes" on this important measure. And let us continue to build bridges. Let us continue to build bridges and not be afraid to risk the building of those bridges.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS), a former resident of my congressional district while he attended the U.S. Military Academy at West Point. The gentleman from Illinois was the original author of this measure, Mr. Speaker.

Mr. SHIMKUS. Mr. Speaker, I would like to thank the gentleman from New York (Mr. GILMAN), the gentleman from Ohio (Mr. KUCINICH), my cosponsor, cochairman of the Baltic Caucus, and also those Members who signed as cosponsors of this resolution.

The Baltic countries, Lithuania, Latvia, and Estonia, over the centuries have been occupied, terrorized and vilified. At the hands of the former Soviet Union and Nazi Germany, these countries were illegally annexed under the Molotov-Ribbentrop Pact of World

War II. With this concurrent resolution, I hope that we may be able to provide some security to the region by once again denouncing the illegal annexation of the Baltics and to pledge the United States' continued support.

Most people do not realize what happened in Lithuania, Latvia and Estonia during World War II. During their occupation, there was the rigging of elections, seizing of bank accounts, censoring of the press, and suppression of religious worship. Additionally, many law-abiding citizens, including teachers and police officials, were imprisoned, sent to labor camps or executed. This was all part of a systematic campaign to transform the Baltic way of life into Russian.

However, this illegal annexation had no basis in international law. In fact, during the Soviet occupation of eastern and central Europe, the U.S. Congress continued to pass resolutions asking Americans across the country to join in recognizing the fundamental freedom and independence of Lithuania, Latvia and Estonia.

Even after all the hardships, the Baltic people valiantly reestablished their independence through peaceful means. In 1991, the United States recognized their independent governments. But the Molotov-Ribbentrop Pact continues to haunt these free countries. Recently, Russian leaders have stated on the record that all territory formerly designated part of the Soviet Union should be considered part of an exclusive Russian sphere of influence, untouchable by NATO or anyone else. The United States, and more specifically this body, must demonstrate that we support the Baltics and do not condone Russia's actions. We can do this by approving this concurrent resolution.

House Concurrent Resolution 320 simply supports the Baltics. Specifically, it reaffirms the United States policy of not recognizing the occupation of the Baltics; urges Russia to renounce the Molotov-Ribbentrop Pact in the spirit of democracy; welcomes the signing of the U.S.-Baltic Charter last winter; and calls on the President and the Secretary of State to work to ensure that Russia understands that the pact should be considered illegal, null and void.

I would encourage all my colleagues to vote in favor of this resolution so that we may continue to support the emerging democracies of Lithuania, Latvia and Estonia.

□ 1400

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), who has a considerable number of his constituency from Latvia.

Mr. KUCINICH. Mr. Speaker, as the cochair of the Baltic Caucus, a position which I proudly serve with the gentleman from Illinois (Mr. SHIMKUS), I am here today to speak about Resolution 320. I had the privilege of being present with Mr. SHIMKUS and others at the signing of the U.S.-Baltic agreement which took place last winter at the White House, to meet with the Presidents of those countries and to share with them our concern that this fledgling freedom which all were feeling would have a chance to be able to grow and to prosper.

This resolution is an important part of it. The resolution's purpose is to express the sense of Congress that we support the Baltic people of Estonia, Latvia and Lithuania and that we condemn the Nazi-Soviet Pact of Non-Aggression of August 23, 1939. This pact of non-aggression, otherwise known as the Molotov-Ribbentrop Pact, was a pivotal time in Baltic history. Part of this treaty that was not published at this time stated, and I quote from it, Mr. Speaker:

> In the event of a territorial and political rearrangement in the areas belonging to the Baltic States: Finland, Estonia, Latvia and Lithuania, the northern boundary of Lithuania shall represent the boundary of the spheres of influence of Germany and the USSR.

This pact, in effect, resulted in the annexation of the Baltic States by the USSR.

In 1940 the Soviet Army illegally invaded Lithuania, Latvia and Estonia. It is no wonder then that the Baltic Republics played a vital role in dismantling the Soviet Union. Opposition groups in all three Baltic States became popular movements calling for national independence. These popular movements culminated with the Baltic Way demonstration on August 23, 1989, exactly 50 years after the Molotov-Ribbentrop Pact was signed. Nearly 2 million people formed a human chain stretching from Tallinn through Riga to Vilnius to protest the illegal pact and to question the legitimacy of the Soviet role.

In August 1991, all three of the Baltic States declared their full independence following the official recognition of the independence of all three Baltic States by many Western countries. Moscow decided to acknowledge their sovereignty on September 4, 1991. Within 3 months the Soviet Union would no longer exist.

Recently, Russian leaders have stated that any territory formerly part of the Soviet sphere should still be considered under the Russian sphere of influence. This resolution, if passed by the United States Congress, would send a clear signal to Russian leaders that they should renounce the Molotov-Ribbentrop Pact and relinquish its grip on nations that never agreed to be part of the Soviet Union and certainly do not consider themselves to be part of the Russian sphere of influence.

I ask my colleagues to vote for this important Baltic resolution to support the people of Latvia, Lithuania and Estonia and to support their quest for the growth of freedom and to support the continuation of democracy all around the world.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in strong support of this resolution, the resolution supporting the Baltic people of Estonia, Latvia and Lithuania in condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939. This resolution was, of course, introduced by the distinguished gentleman from Illinois (Mr. SHIMKUS) and the distinguished gentleman from Ohio (Mr. KUCINICH) on August 5 of this year, referred to the Committee on International Relations.

The people of Estonia, Latvia and Lithuania have a new active leader and friend in the U.S. Congress in the gentleman from Illinois and the gentleman from Ohio, and I commend the gentleman from Illinois, for example, in his efforts to craft a strong bipartisan statement of support for these nations. I am pleased to join as a cosponsor.

Mr. Speaker, in 1991, after more than 50 years of Soviet occupation, the nations of Estonia, Latvia and Lithuania, acting peacefully, but with great courage, regained their freedom. In doing so they at last put an end to the illegal and forcible subjugation they had suffered as a result of the infamous Nazi-Soviet Pact of Non-Aggression of 1939.

It is highly appropriate that this body remember that shameful occasion of the 59th anniversary of the Molotov-Ribbentrop Pact by reaffirming our principle bipartisan rejection of that evil agreement and by calling on others to join in condemning it and all it represents.

During the bitter years of occupation, as the gentleman from New York mentioned, the United States' administrations and congressional leaders of both parties consistently rejected the incorporation of the Baltic States into the Soviet Union and maintained diplomatic relations with their legitimate representatives. When at long last their freedom was restored, the United States joyfully welcomed those three countries back into the community of independent nations and sought to assist them in overcoming the legacy of Soviet domination.

Playing a key role in this effort were the many citizens who traced their origins back to the Baltic countries. While enriching our Nation with their cultural heritage, they never lost hope that their mother countries would regain the freedom that is their birthright.

Finally, I join in expressing strong support for the landmark U.S.-Baltic

Charter signed in January of this year. The charter both defines and describes our bonds of kinship and friendship with all three nations.

Mr. Speaker, I am confident that through their efforts, both individually and together, these three nations will continue to make progress in overcoming the lost years of occupation and returning to their rightful place among the free peoples of the world.

Lastly, I would like to note the very direct link between Latvia and Lincoln, Nebraska. Karlis Ulmanis, Father of Latvian independence and the long-serving Latvian President between World War I and World War II, was a graduate of the University of Nebraska School of Dairy Science. He returned to his homeland after World War I, led his country to independence, and was eventually brutally seized in prison by the occupying Soviets and disappeared in Siberian captivity. Next year his grandnephew, Guntis Ulmanis, the current and very popular President of Latvia, will receive an honorary degree from the University of Nebraska Lincoln. Thus, Mr. Speaker, we complete the circle.

The Latvian-American community in Lincoln are proud of the role of their adopted son, the first President of Latvia and his grandnephew, the current President of Latvia, who will be welcomed to Lincoln soon. The Lithuania-American and Estonian-American citizens of our State are also, of course, very supportive of this resolution supporting the Baltic people and recognizing their long-term suffering under the Soviets.

Mr. Speaker, I urge adoption of H. Con. Res. 320.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I join with my friends today from Illinois and Ohio in supporting the freedom of the Baltic peoples and in memorializing the infamous Molotov-Ribbentrop Pact.

The Molotov-Ribbentrop Pact is an historic reminder that the forces of evil and tyranny are inevitably attracted to one another. In a world of nazism and communism six decades ago, some unfortunate people in the West, unfortunate because of their wishful thinking, thought that they could play one evil off against another and thus did not just simply state to the world and join in solidarity with the other free people against evil itself. It did not work, and this compromise with evil, trying to play the Nazis off against the Communists and the Communists against the Nazis, led to a world conflagration that destroyed much of the planet and took up to 100 million lives, and, of course, what we saw ending that wishful thinking was an alliance between the Communists and the Nazis. Today we remember the Molotov-Ribbentrop Pact and declare there is no compromise with evil and tyranny. Consistent with that we focus on the Baltic nations.

I recently traveled through Estonia, Latvia and Lithuania. The people there for the most part are successful in their transition out of Communist tyranny. They are showing their Russian neighbors that democracy, free enterprise and the aspects of our Western society work, and the people of the Baltic States now enjoy prosperity, peace and freedom.

The passage of this resolution restates to the world America's commitment to peace, prosperity and democracy for all of the people of the world, especially those brave souls in the Baltics who have suffered so much during the 20th century from the twin evils of communism and nazism.

Mr. GILMAN. 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.

My apologies to the gentleman from Illinois (Mr. SHIMKUS) for not recognizing his tremendous contributions as the prime sponsor of this piece of legislation.

Mr. Speaker, I said earlier that according to an African proverb, when two elephants fight, the grass gets trodden. A little twist to this African proverb by a remark made years ago by the former Prime Minister of the Independent State of Samoa, the Honorable Tuiatua Tupua Tamasese, who also said that when two elephants make love, the grass still gets trodden.

Mr. Speaker, what is obviously meant by this is that let us not forget the economic and social needs of Estonia, Latvia and Lithuania when the United States intends to conduct major trade and business transactions with Europe and Asia.

Again, Mr. Speaker, I urge my colleagues to support this resolution.

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H. Con. Res. 320. I would like to thank the esteemed Chairman of the House International Relations Committee, the gentleman from New York, Mr. GILMAN, and the Ranking Member, the gentleman from Indiana, Mr. HAMILTON, for their leadership on this issue. I would also like to salute the gentleman from Illinois, Mr. SHIMKUS, for all of the hard work he has put in in drafting this important resolution. His leadership along with his foresight and keen awareness of foreign policy has been instrumental in making this resolution become reality. As the co-chair of the Congressional Baltic Caucus, along with the other co-chair, the gentleman from Ohio, Mr. KUCINICH, his ability to work in a bipartisan fashion for important measures such as this are certainly appreciated by this Member.

Around sixty years ago, the three nations of Latvia, Lithuania and Estonia had their freedom stripped away by the Soviet army. Under a secret, illegal and immoral agreement between Hitler and Stalin, the Nazi-Soviet Pact of Non-Aggression tore Eastern Europe apart. After the Soviet Union invaded Latvia, Lithuania and Estonia in 1940, the cultural identities of those nations were ruthlessly suppressed. These invasions and occupations were not only illegal under international law, they were immoral and atrocious crimes against humanity.

Thanks to the heroic efforts of Ronald Reagan, the fall of communism during his watch eventually freed the Baltic States from communist tyranny. Since their independence in 1990, each nation has been working diligently towards democratic reforms including religious freedom and movement towards free market economies. The brave efforts of the Baltic States must be supported by the U.S.

H. Con. Res. 320 will do just that. It sends a message to the world that we support the Baltic States. Since their independence, Russia continues to refer to the Baltic States as former Soviet Republics despite the fact that they were illegally invaded by the former Soviet Union, and it appears that Russia continues to view the Baltic States as part of the Russian "sphere of influence." We must demonstrate our support for the Baltics. These are fledgling democracies who peacefully overturned the tyrannical rule of communist aggression.

This important resolution will reaffirm the U.S. policy of not recognizing the illegal occupation of the Baltics, urge Russia to renounce the illegal Nazi-Soviet Pact, reiterate our support for the U.S.-Baltic Charter signed earlier this year, and call on the President of the United States and the Secretary of State to work to ensure that Russia understands the Pact should be considered illegal.

I ask my colleagues to support this important resolution. Let us support freedom, let us support peace, let us support democracy, and let us support the pursuit of justice.

Mr. RUSH. Mr. Speaker I rise today in support of H. Con. Res. 320, legislation supporting the Baltic People and condemning the Nazi-Soviet Non-Aggression Pact.

Prior to the cold war Lithuania, Estonia, and Latvia proudly declared their independence and became democratic states with membership in the League of Nations. But, during the cold war Germany and Russia decided to split the Baltic States into two parts by forcing Estonia, Latvia, and a portion of Poland to become part of the Soviet Union and by forcing Lithuania and the rest of Poland to become part of Nazi Germany. I have never recognized the legitimacy of such a decision and I am proud to say that the United States has taken the same point of view. Additionally, I must add that the illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union does not have and will never have a legal basis in international law.

In 1990, when the Baltic States re-established their independence, the United States along with many other countries boldly recognized their independence. Many of the Baltic States have successfully made the transition from an authoritarian political system to that of a democratic system. It is interesting to note that in light of all these political changes Russia continues to recognize the Nazi-Soviet

Pact of Non-Aggression. This pact illegally divides the Baltic States into "spheres of influence", therefore, precluding the Baltic States from asserting their autonomy and joining NATO or entering into other such alliances.

As faith would have it, Russia itself has undergone tremendous democratic and free market reforms but has yet to recognize the independence of the Baltic States. It is only fitting and just that Russia denounce the Nazi-Soviet Pact of Non-Aggression and recognize the autonomy of the Baltic States and demonstrate to the world that it truly believes in the principles of democracy and individual freedom.

I strongly urge President Clinton and Secretary of State Albright to work with the Russian government to ensure that Russia understands the importance of denouncing the Nazi-Soviet Pact of Non-Aggression and endorsing the right to self determination by the Baltic States.

Mr. MCGOVERN. Mr. Speaker, I rise in support of this bill to support the Baltic people and to condemn the Nazi-Soviet Non-Aggression Pact. I want to express my appreciation to the gentleman from Illinois [Mr. SHIMKUS] for his leadership on this issue and in organizing the Congressional Caucus on the Baltics.

In 1918, the nations of Lithuania, Estonia and Latvia declared their independence and became democratic states with membership in the League of Nations and diplomatic representation in the United States.

In 1939, emissaries of Adolf Hitler and Joseph Stalin signed an agreement, known as the Nazi-Soviet Pact of Non-Aggression, which contained secret protocols to divide Eastern Europe into spheres of influence. Estonia, Latvia and part of Poland were made subject to the Soviet Union, with Lithuania and most of Poland going to Nazi Germany.

In 1940, the Soviet Army invaded Lithuania, Latvia and Estonia. This occupation has never been recognized by the United States, and all successive U.S. administrations, whether Democratic or Republican, maintained continuous diplomatic relations with these countries as sovereign nations throughout the Soviet period, never considering them to be Soviet Republics.

The Baltic peoples re-established their independence through peaceful means following the dissolution of the former Soviet Union, and the United States recognized their independent governments in 1991. Lithuania, Latvia and Estonia have achieved significant success in the eight years since they gained their independence, including instituting democratic institutions, economic reforms, and civilian control over the military.

Mr. Speaker, H. Con. Res. 320, introduced by my distinguished colleague from Illinois [Mr. SHIMKUS], and to which I am a proud cosponsor, reaffirms the U.S. policy of not recognizing the occupation by the Soviet Union of these proud nations following the signing of the Nazi-Soviet Pact of Non-Aggression. Further, it urges the now independent nation of Russia, in the spirit of democracy, to renounce the Nazi-Soviet Pact and its secret protocols as illegal. Finally, the measure welcomes and supports the signing of the United States-Baltic Charter by the U.S., Lithuania, Latvia and Estonia—a charter that reiterates the strong historical kinship and support between the Baltic peoples and Americans.

Mr. Speaker, for all the progress, both democratic and economic, these three Baltic nations have made since regaining their independence in 1991, they continue to face many challenges and uncertain relationships with their powerful neighbors. Russia continues to be a threatening and intimidating force, which still views the Baltic nations as subject to its "sphere of influence."

H. Con. Res. 320 clearly signals U.S. support for these nations, for their independence, and for their democratic futures. I urge my colleagues to vote in support of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended.

The question was taken.

Mr. SOLOMON. 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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2431. An act to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

H.R. 3903. An act to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 417) "An Act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002." with an amendment.

ANNOUNCEMENT OF HOUSE CONCURRENT RESOLUTION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. GOODLING. Pursuant to H. Res. 575, I announce the following House Concurrent Resolution to be considered under suspension today:

H. Con. Res. 214, Recognizing Contributions of the Cities of Bristol, Tennessee, and Bristol, Virginia, to the Development of Country Music.

RECOGNIZING CONTRIBUTIONS OF THE CITIES OF BRISTOL, TENNESSEE, AND BRISTOL, VIRGINIA, TO THE DEVELOPMENT OF COUNTRY MUSIC

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The Clerk read as follows:

H. CON. RES. 214

Whereas the cities of Bristol, Tennessee, and Bristol, Virginia, have long been a gathering place for musicians from the nearby mountainous countryside;

Whereas phonographic recordings made in Bristol in August of 1927 launched the careers of the Carter Family and Jimmie Rodgers, who are recognized as the first commercially successful modern Country Music artists;

Whereas these recordings have been called the "Big Bang of Country Music" by the Country Music Foundation in its publication "Country, the Music and the Musicians";

Whereas Jimmie Rodgers has been named the Father of Country Music and was the first artist to be inducted into the Country Music Hall of Fame;

Whereas the original members of the Carter Family have been recognized as Country Music's First Family in part because their works have had an unparalleled influence on succeeding generations of Country Music artists;

Whereas "The Roots of Country Music", a three-part television series which aired nationally on the Turner Broadcasting System in June of 1996, recognized the significant contribution of the cities of Bristol to the development and commercial acceptance of Country Music;

Whereas in 1984 the Tennessee Senate recognized Bristol as the "Birthplace of Country Music"; and

Whereas in 1995, the Virginia General Assembly recognized Bristol as the "Birthplace of Country Music": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the critical contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their residents to the origins and development of Country Music;

(2) congratulates the cities of Bristol, Tennessee, and Bristol, Virginia, for launching with the Bristol recordings of 1927 the careers of the Nation's first widely known Country Music artists; and

(3) acknowledges and commends the cities of Bristol, Tennessee, and Bristol, Virginia, as the birthplace of Country Music, a style of music which has enjoyed broad commercial success in the United States and throughout much of the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on H. Con. Res. 214.

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 30 seconds.

Today I rise in support of H. Con. Res. 214, which designates the cities of Bristol, Tennessee, and Bristol, Virginia, as the birthplace of country music. General Assembly of Virginia and Tennessee State Senate have previously made this designation. The gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. BOUCHER) take their cue from their respective State legislative bodies and introduced an identical concurrent resolution in the House.

I must admit my age. My two country music stars just died: Gene Autry and Roy Rogers.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, let me say thanks to the committee for their consideration of this resolution and for allowing us to consider it here today.

Mr. Speaker, the city of Bristol is two cities: Bristol, Tennessee, and Bristol, Virginia; Bristol, Tennessee, being in the First Congressional District of Tennessee, and Bristol, Virginia, being in the Ninth Congressional District of Virginia, and represented very ably by the gentleman from Virginia (Mr. BOUCHER).

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Mr. Speaker, in the 1920s, when country music was in its infancy, artists from throughout Tennessee and Virginia and the entire region gathered in Bristol to perform. Some of the most important developments in country music took place there.

In 1927, the Carter family, which later became the First Family of Country Music, and Jimmie Rogers, who became the Father of Country Music, had recording sessions there, very significant recording sessions there.

These recordings became known in time by the country music foundation as the "Big Bang of Country Music." They are credited with propelling the Carter family and Jimmie Rogers and country music itself to a commercially successful venture.

Today, country music is enjoyed throughout this country and throughout the world. As the Chairman pointed out, in 1984, the Tennessee Senate recognized Bristol as the birthplace of country music. In 1995, the General Assembly of Virginia recognized Bristol as the birthplace of country music.

Today we have this resolution which recognizes the contributions of Bristol and its people to the origins and the development of country music. This, I think, significantly is cosponsored by the entire delegations from the States of Tennessee and Virginia. I ask support for this well-deserved recognition.

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

Mr. Speaker, I rise in strong support of the resolution. My colleagues may wonder why a city boy from Los Angeles would be so supportive of country music. But years ago when I worked in a factory, the gentleman next to me was from the south. In fact, he was from Tennessee, and he had a little recorder in there, and that is all he played was country music.

I remember one of the first songs that I was ever attracted to was a song by Johnny Cash, "I Walked The Line." It was very apropos of the way I felt at that time.

I could understand the words. A lot of the other music I could not understand the words. It seemed to me like every piece of country music tells a story, a story of some kind. Sometimes they are too sad. But, regardless, they do tell a story, and they are very interesting to listen to. I like the rhythms in a lot of them.

Of course I remember Jimmie Rogers and I remember Gene Autry and all the people that the Chairman mentioned. But I am more into the kind of modern day country music stars like George Strait, Vince Gill, and a lot of the people that have really brought country music to the front.

But this legislation, as the gentleman from Pennsylvania (Mr. GOODLING) has said, honors the cities of Bristol, Virginia, and Bristol, Tennessee, giving it much credit for the origin and the development of the county music. I commend the gentleman from Tennessee (Mr. JENKINS) and the gentleman from Virginia (Mr. BOUCHER) for bringing this measure before the House.

As I said, I am a fan of country music, and I am pleased to speak in favor of this resolution. I urge my colleagues to join me in support of this resolution.

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

Mr. MARTINEZ. Mr. Speaker I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from California for his kind words and for yielding me this time.

I also want to express appreciation to the gentleman from Pennsylvania (Mr. GOODLING) for his very fine efforts and the efforts of his staff in bringing this measure to the floor. We very much appreciate his assistance.

I want to pay a special tribute to my friend and colleague from Tennessee (Mr. JENKINS), with whom I was pleased to draft this measure, offer it to the Committee on Education and the Workforce, and with whom I am pleased to present the matter to the House today.

I am pleased to rise in strong support of the passage of House Concurrent Resolution 214 which recognizes the contributions of the cities of Bristol, Virginia and Tennessee as the birthplace of country music.

This measure is an effort to recognize the many contributions of the two cities of Bristol to the origin of country music. From its beginnings in the mountains of the Southern Appalachians, country music has steadily grown to become the most popular form of music in our Nation today. The two cities of Bristol served as the early foundation for that growth.

Portable recording equipment developed in the late 1920s allowed talent scouts to travel the countryside to capture the performances of country musicians in their natural habitats. Bristol had long been a gathering place for musicians from the nearby mountains.

In August of 1997, a talent scout named Ralph Peer and two engineers from the Victor Records Corporation came to Bristol with the intent of capturing the musical sounds of the area. The phonographic recordings that were made during those historic Bristol sessions launched the careers of the Carter family and also of Jimmie Rogers, who are widely recognized as the first commercially successful country music artists.

The original members of the Carter family have been recognized as country music's first family in part because their works have had an unparalleled influence on succeeding generations of country music artists. Their vocal harmonies served as the basis for almost every vocal group that followed in the ensuing years.

Jimmie Rogers has been named the Father of Country Music. The first artist to be inducted in the Country Music Hall of Fame was Jimmie Rogers.

The recordings made in Bristol in August of 1927 have been called the Big Bang of Country Music by the Country Music Foundation in its publication "Country, the Music and the Musicians." These recordings in Bristol transported country music from the mountains of our region into the national commercial marketplace.

In recent years, the States of Virginia and Tennessee, through their General Assemblies, have both adopted resolutions declaring the two cities of Bristol to be the birthplace of country music. Based upon that historical record today, I am pleased to urge our colleagues in the House of Representatives to append that well-earned designation to these two cities.

I thank my friend and colleague, the gentleman from Tennessee (Mr. JENKINS), for his co-authorship of this measure. I thank the entire delegations of Tennessee and Virginia who have co-authored this measure with us. I am

very pleased to urge the passage of this resolution by the House.

Mr. MARTINEZ. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 214.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ASSISTIVE TECHNOLOGY ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, as amended.

The Clerk read as follows:

S. 2432

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 "Assistive Technology Act of 1998".

(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 purposes.
Sec. 3. Definitions and rule.

TITLE I—STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.
Sec. 102. State grants for protection and advocacy related to assistive technology.
Sec. 103. Administrative provisions.
Sec. 104. Technical assistance program.
Sec. 105. Authorization of appropriations.

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

Sec. 201. Coordination of Federal research efforts.
Sec. 202. National Council on Disability.
Sec. 203. Architectural and Transportation Barriers Compliance Board.

Subtitle B—Other National Activities

Sec. 211. Small business incentives.
Sec. 212. Technology transfer and universal design.
Sec. 213. Universal design in products and the built environment.
Sec. 214. Outreach.
Sec. 215. Training pertaining to rehabilitation engineers and technicians.
Sec. 216. President's Committee on Employment of People With Disabilities.
Sec. 217. Authorization of appropriations.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. General authority.
Sec. 302. Amount of grants.
Sec. 303. Applications and procedures.
Sec. 304. Contracts with community-based organizations.
Sec. 305. Grant administration requirements.
Sec. 306. Information and technical assistance.
Sec. 307. Annual report.
Sec. 308. Authorization of appropriations.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

Sec. 401. Repeal.
Sec. 402. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

(6) Notwithstanding the efforts of such State programs, there is still a lack of—

(A) resources to pay for assistive technology devices and assistive technology services;

(B) trained personnel to assist individuals with disabilities to use such devices and services;

(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

(D) outreach to underrepresented populations and rural populations;

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

(G) capacity in such programs to provide the necessary technology-related assistance.

(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

(E) the increased role that telecommunications play in education, employment, health care, and social activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

(3) to enhance the ability of the Federal Government to—

(A) provide States with financial assistance that supports—

(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ADVOCACY SERVICES.—The term "advocacy services", except as used as part of the term "protection and advocacy services", means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

(2) ASSISTIVE TECHNOLOGY.—The term "assistive technology" means technology designed to be utilized in an assistive technology device or assistive technology service.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term "capacity building and advocacy activities" means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term "comprehensive statewide program of technology-related assistance" means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE.—The term "consumer-responsive"—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their

family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

(8) DISABILITY.—The term "disability" means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term "individual with a disability" means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) PROTECTION AND ADVOCACY SERVICES.—The term "protection and advocacy services" means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(12) SECRETARY.—The term "Secretary" means the Secretary of Education.

(13) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

(i) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TARGETED INDIVIDUALS.—The term "targeted individuals" means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE.—The term "technology-related assistance" means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

(16) UNDERREPRESENTED POPULATION.—The term "underrepresented population" means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(17) UNIVERSAL DESIGN.—The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I—STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

(2) REQUIRED ACTIVITIES.—

(A) PUBLIC AWARENESS PROGRAM.—

(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

(iii) CONTENTS.—The public awareness program may include—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

(B) INTERAGENCY COORDINATION.—

(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

(I) policies that result in improved coordination, including coordination between public and private entities—

(aa) in the application of Federal and State policies;

(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

(II) the provision of technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(iii) the enhancement of the assistive technology skills and competencies of—

(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(3) DISCRETIONARY ACTIVITIES.—

(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

(i) the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(I) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(II) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

(ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

(ii) the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(iii) the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

(B) DEMONSTRATIONS.—The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

(D) TECHNOLOGY-RELATED INFORMATION.—

(i) IN GENERAL.—The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

(ii) ACCESS.—Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

(iii) INFORMATION COLLECTION AND PREPARATION.—In operating or expanding a system described in subparagraph (A), the State may—

(I) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

(II) identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

(E) INTERSTATE ACTIVITIES.—

(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

(i) the development, demonstration, and dissemination of assistive technology devices; and

(ii) the ongoing provision of information about new products to assist individuals with disabilities.

(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

(H) ADVOCACY SERVICES.—The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) CALCULATION OF STATE GRANTS.—

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

(D) ADDITIONAL STATES.—

(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

(ii) STATE.—A State referred to in clause (i) shall be a State that—

(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

(d) LEAD AGENCY.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

(A) submitting the application supplement described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT.—

(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

(A) GOALS AND ACTIVITIES.—A description of—

(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living; and

(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

(III) the measures to be used in judging if the goals have been achieved; and

(ii) will be involved in measuring whether the goals have been achieved.

(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, a description of the deficiencies of the agency; and

(ii) With regard to the new lead agency, a description of—

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

(4) DURATION OF APPLICATION SUPPLEMENT.—

(A) DETERMINATION.—The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

(B) LIMIT.—Such time period for any State shall not extend beyond the year that would have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

(f) EXTENSION OF FUNDING.—

(1) In the case of a State that is in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extension grant in any of the fiscal years 2000 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extension of the grant to such a State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(2) AMOUNT.—A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

(3) LIMITATION.—A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES.—Notwithstanding paragraph (1), for a State that, on the day

before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES.—

(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.—

(A) IN GENERAL.—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

(B) UNNECESSARY VISITS.—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete fund termination under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS.—Such report shall include information on—

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the funded activities to—

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

(G) the consumer involvement activities carried out through the funded activities.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 104. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 102.

(c) SCOPE OF TECHNICAL ASSISTANCE.—

(1) NATIONAL PUBLIC INTERNET SITE.—

(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) TECHNICAL ASSISTANCE EFFORTS.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) RESERVATIONS OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

(B) 7.9 percent shall be reserved to fund grants under section 102; and

(C) 4.6 percent shall be reserved for activities funded under section 104.

(2) RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(3) RESERVATION FOR ONSITE VISITS.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

(1) in subsection (a)(1), by inserting after "programs," insert "including programs relating to assistive technology research and research that incorporates the principles of universal design,";

(2) in subsection (b)—

(A) by inserting "(1)" before "After receiving";

(B) by striking "from individuals with disabilities and the individuals' representatives" and inserting "from targeted individuals";

(C) by inserting after "research" the following: (including assistive technology research and research that incorporates the principles of universal design)"; and

(D) by adding at the end the following:

"(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

"(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

"(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

"(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

"(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

"(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.";

(3) by striking subsection (c) and inserting the following:

"(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

"(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

"(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

"(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design."; and

(4) by adding at the end the following:

"(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

"(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

"(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

"(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

"(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

"(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.".

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

"(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

"(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

"(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.".

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) IN GENERAL.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(2) by inserting after subsection (c) the following:

"(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973."; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking "subsection (e)" and inserting "subsection (f)".

(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking "section 502(h)(1)" and inserting "section 502(i)(1)".

Subtitle B—Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION.—In this section, the term "small business" means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).

(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—The Secretary may make grants to small businesses to enable such businesses—

(1) to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

(2) to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

(3) to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) IN GENERAL.—The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

(b) COLLABORATION.—In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

(1) to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

(3) to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

(4) to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

(5) to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) RESPONSIBILITIES OF CONSORTIUM.—Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

(1) in subparagraph (I), by striking "; and" and inserting a semicolon;

(2) in subparagraph (J), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.".

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term "built environment" for purposes of this section.

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as "the Committee") may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

(1) the development and coordination of a task force, which—

(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

(B) shall consist of members of the public and private sectors, including—

(i) representatives of organizations representing individuals with disabilities; and

(ii) individuals with disabilities; and

(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

(e) DEFINITION.—In this section, the term "information technology" means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act, $10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an "alternative financing mechanism").

(b) MECHANISMS.—The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) REQUIREMENTS.—

(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION.—No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

(A) the Secretary shall allot $500,000 to each State; and

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80

percent of the remainder as the population of the State bears to the population of all States; and

(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(c) DEFINITIONS.—In subsection (a):

(1) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

(2) an assurance that the alternative financing program will continue on a permanent basis;

(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

(5) an assurance that the State will ensure that—

(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

(6) an assurance that—

(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

(b) PROVISIONS.—The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

(3) A procedure to assure consumer-controlled oversight of the program.

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

(1) providing assistance in preparing applications for grants under this title;

(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

SEC. 402. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

(1) in paragraph (3), by striking "section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))" and inserting "section 3 of the Assistive Technology Act of 1998"; and

(2) in paragraph (4), by striking "section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))" and inserting "section 3 of the Assistive Technology Act of 1998".

(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

(1) in subparagraph (C)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998"; and

(2) in subparagraph (G)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2432.

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, S. 2432 continues the State Grant Program for assistive technology for individuals with disabilities allowing all 50 States, the District of Columbia and the U.S. territories to complete their grant cycle under this Act.

In 1988, the Congress created this program to give States a small Federal incentive to establish State programs to help people with disabilities access assistant technology services and devices. Since that time, all States have established programs that promote the provision of assistive technology services to individuals with disabilities.

However, I do not believe that the program should become a long-term Federal commitment. I believe most States have used this small Federal investment well, and I believe, once our 10-year commitment is met, the Federal government should let States provide these services based on their individual needs.

I know how difficult it is to end Federal assistance once it is started. That is why, in the last 2 years of Federal assistance, we require the States to match 25 percent in the ninth year and 50 percent in the tenth year. By requiring this match, the Federal Government has sent the signal that assistance will phase out and the Federal assistance will end.

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

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

Mr. Speaker, I am pleased to rise in strong support of the Assistive Technology Act of 1998. This Act will enable States and the Federal Government to build upon the work that has been done under the existing Technology-Related Assistance for Individuals With Disabilities Act of 1998 or the Tech Act.

The Technology Act sunsets this year, and the legislation before the House today will bring our efforts to ensure access to assistive technology into the 21st century.

Under this legislation, States will be able to continue the consumer-responsive programs of technology-related assistance for people with disabilities that have been developed over the past 10 years.

In addition, this bill will help States establish and strengthen systems to inform people with disabilities as to what their technology options are so that they could take advantage of them.

Most importantly, this legislation will establish and expand or loan programs for people with disabilities or their representatives to assess or meet their assistive-technology needs.

Without access to assistive technology, many disabled individuals would be disadvantaged in their ability to successfully compete in today's society.

Mr. Speaker, this bill has gained widespread support from the disability community and deserves to be passed by the House today.

Mr. DEAL of Georgia. Mr. Speaker, assistive technology—products designed to maintain or enhance functional capabilities—enables people with disabilities to assume greater control over their lives and contribute more fully to society.

Rapid advancements in technology continue to provide important new tools to help individuals with disabilities become more independent and participate in activities related to home, school, work, and community.

While substantial progress has been made in both the development of new assistive technology devices and in the transfer and adaptation of existing technologies, information on these devices is difficult to find and inconsistent.

This lack of information creates barriers to individuals with disabilities trying to increase their independence and productivity.

The Assistive Technology Act (S. 2432) includes a national, on-line resource and distance learning center for people with disabilities. This bill offers an on-line website for people with disabilities to become aware of assistive technology.

Information provided on the website might include: available devices and services, comparisons of products, distribution points, training support options, as well as maintenance and funding options.

Assistive technology is the key that provides access to employment, education, transportation, and other activities of daily living for many people with disabilities.

Please join me in providing the opportunity to help individuals with disabilities become more self-sufficient. I urge you to support the Assistive Technology Act.

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

Mr. GOODLING. Mr. Speaker, I have no additional requests for time, and I yield back the balance of time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2432, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1997

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the Senate bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 459

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 "Native American Programs Act Amendments of 1997".

SEC. 2. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking "for fiscal years 1992, 1993, 1994, and 1995." and inserting "for each of fiscal years 1997, 1998, and 1999.";

(2) in subsection (c), by striking "for each of the fiscal years 1992, 1993, 1994, 1995, and 1996," and inserting "for each of fiscal years 1997, 1998, and 1999,"; and

(3) in subsection (e), by striking ", $2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997." and inserting "such sums as may be necessary for each of fiscal years 1997, 1998, and 1999.".

SEC. 3. NATIVE HAWAIIAN REVOLVING LOAN FUND.

(a) IN GENERAL.—Section 803A of the Native American Programs Act of 1974 (42 U.S.C. 2991b-1) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "award grants" and inserting "award a grant"; and

(ii) by striking "use such grants to establish and carry out" and inserting "use that grant to carry out"; and

(B) in subparagraph (A), by inserting "or loan guarantees" after "make loans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "loans to a borrower" and inserting "a loan or loan guarantee to a borrower"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "Loans made" and inserting "Each loan or loan guarantee made";

(ii) in subparagraph (A), by striking "5 years" and inserting "7 years"; and

(iii) in subparagraph (B), by striking "that is 2 percentage" and all that follows through the end of the subparagraph and inserting "that does not exceed a rate equal to the sum of—

"(I) the most recently published prime rate (as published in the newspapers of general circulation in the State of Hawaii before the date on which the loan is made); and

"(II) 3 percentage points."; and

(3) in subsection (f)(1), by striking "for each of the fiscal years 1992, 1993, and 1994, $1,000,000" and inserting "for the first full fiscal year, beginning after the date of enactment of the Native American Programs Act Amendments of 1997, such sums as may be necessary".

AMENDMENTS OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GOODLING:

On page 2, line 3, strike out "1997" and "1998" and insert after 1999, "2000, 2001, and 2002".

On page 2, line 7, strike out "1997" and "1998" and insert after 1999, "2000, 2001, and 2002".

On page 2, line 13, strike out "1997" and "1998" and insert after 1999, "2000, 2001, and 2002"

On page 4, line 4, strike out "for each of the fiscal years".

On page 4, line 5, strike out "$1,000,000".

On page 4, line 6, strike out "for the first fiscal year and all that follows through line 9.

On page 4, line 5, after "inserting", insert "2000 and 2001."

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 1 hour..

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

Mr. Speaker, S. 459, the Native American Programs Act Amendments of 1997, would continue the important programs operated under the Native American Programs Act. This Act promotes social and economic self-sufficiency among Indian tribes.

Grants under the Act have been used to assist tribes, develop government infrastructure, establish tax, zoning and corporation codes, and provide the regulatory frameworks necessary to attract and retain outside capital investment. In addition to extending these programs through the years 2002, it amends provisions for a Native Hawaiian Revolving Loan Fund to make it self-sufficient and eliminate the need for further appropriations.

Mr. Speaker, I yield to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I am in support of the amendment and find no problem with it

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of S. 459, the Native American Programs Act.

Authorization for this act expired in 1996, and we were unable to bring an authorization bill to the floor in the last Congress, so I am pleased that we have agreement today and can extend these programs for the next 4 fiscal years.

The Native American Programs Act provides funds to American Indians, Alaskan Natives, Native Hawaiians and other Native American Pacific Islanders for projects which help achieve social and economic self-sufficiency among these populations.

We provide about $34.8 million each year for the Native American Programs Act. This assistance provided since 1974 has been critical in helping tribes to establish their governmental and legal systems and develop environmental and land use policies. It has helped to address the social needs among Native American communities and has increased economic development, job creation and business expansion.

It has also funded projects to preserve the languages of our Native Americans that are in danger of being lost forever. The strength of this program is that each project funded by this act is a community-based effort in which the ideas for solutions of community problems comes from the people themselves.

One such project which is funded under this act is the Native Hawaiian Revolving Loan Fund, which provides low interest loans to native Hawaiians for business creation or expansion.

Originally a demonstration project, the loan fund was developed into an important source of capital for native Hawaiian-run businesses, most of which are small businesses. The loans have funded a wide variety of projects, including agribusiness, construction, retail, tourism, trucking, automotive shops, restaurants, and food outlets.

Access to capital is a real problem for native Hawaiian entrepreneurs. The loan fund has helped to develop viable businesses in our community, create jobs, and contribute to our economy. To date, $13.8 million has been given out in loans to 308 businesses.

Documentation provided by the Office of Hawaiian Affairs, which administers the loan fund, shows that almost 1,000 jobs have been created as a direct result of businesses started and expanded through the loan fund.

S. 459 will authorize the revolving loan fund through the year 2001, and make important changes to the loan fund which will help the fund achieve self-sufficiency, so it will no longer need annual Federal funding to sustain itself.

I appreciate the work of the chairman, the gentleman from Pennsylvania (Mr. GOODLING) and his staff in working out an agreement on this Native Hawaiian Revolving Loan Fund. This agreement will help assure that the loan fund will become self-sufficient and truly revolving in nature, without the need of further assistance from the Federal government.

I urge my colleagues to support S. 459 and these important programs that assist our Native American communities.

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

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendments were agreed to.

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

□ 1430

COMMUNITY-DESIGNED CHARTER SCHOOL ACT

Mr. RIGGS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charter School Expansion Act of 1998".

SEC. 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a) (20 U.S.C. 7331(a))—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and"; and

(2) in section 6301(b) (20 U.S.C. 7351(b))—

(A) in paragraph (7), by striking "and" after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

"(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and".

SEC. 3. CHARTER SCHOOLS.

(a) PURPOSE.—Section 10301(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061(b)) is amended—

(1) in paragraph (1)—

(A) by inserting "planning, program" before "design"; and

(B) by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) expanding the number of high-quality charter schools available to students across the Nation.".

(b) CRITERIA FOR PRIORITY TREATMENT.—Section 10302 of such Act of 1965 (20 U.S.C. 8062) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) not more than 2 years to carry out dissemination activities described in section 10304(f)(6)(B).";

(2) by amending subsection (d) to read as follows:

"(d) LIMITATION.—A charter school may not receive—

"(1) more than 1 grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

"(2) more than 1 grant for activities under subparagraph (C) of subsection (c)(2)."; and

(3) by adding at the end the following:

"(e) PRIORITY TREATMENT.—

"(1) IN GENERAL.—

"(A) FISCAL YEARS 1999, 2000, AND 2001.—In awarding grants under this part for any of the fiscal years 1999, 2000, and 2001 from funds appropriated under section 10311 that are in excess of $51,000,000 for the fiscal year, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and 1 or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

"(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 10311, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and 1 or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

"(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

"(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

"(B) The State—

"(i) provides for 1 authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

"(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

"(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

"(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.".

(c) APPLICATIONS.—Section 10303 of such Act (20 U.S.C. 8063) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "and" after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) describe how the State educational agency—

"(A) will inform each charter school in the State regarding—

"(i) Federal funds that the charter school is eligible to receive; and

"(ii) Federal programs in which the charter school may participate;

"(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

"(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and"; and

(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (E), insert "planning, program" before "design";

(ii) in subparagraph (K), by striking "and" after the semicolon;

(iii) by redesignating subparagraph (L) as subparagraph (N); and

(iv) by inserting after subparagraph (K) the following:

"(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

"(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and"; and

(2) in subsection (c), by striking "10302(e)(1) or"; and

(3) in subsection (d)(1)—

(A) by striking "subparagraphs (A) through (L)" and inserting "subparagraphs (A) through (N)"; and

(B) by striking "subparagraphs (I), (J), and (K)" and inserting "subparagraphs (J), (K), and (N)".

(d) ADMINISTRATION.—Section 10304 of such Act (20 U.S.C. 8064) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking "and" after the semicolon;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(6) the number of high quality charter schools created under this part in the State; and

"(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.";

(2) in subsection (b)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.";

(3) in subsection (f)—

(A) in paragraph (1), by inserting before the period the following: ", except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6)";

(B) in paragraph (2), by inserting ", or to disseminate information about the charter school and successful practices in the charter school," after "charter school";

(C) in paragraph (5), by striking "20 percent" and inserting "10 percent"; and

(D) by adding at the end the following:

"(6) DISSEMINATION.—

"(A) IN GENERAL.—A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

"(i) substantial progress in improving student achievement;

"(ii) high levels of parent satisfaction; and

"(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

"(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

"(i) assisting other individuals with the planning and start-up of 1 or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

"(ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

"(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

"(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.".

(f) NATIONAL ACTIVITIES.—Section 10305 of such Act (20 U.S.C. 8065) is amended to read as follows:

"SEC. 10305. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

"(1) To provide charter schools, either directly or through State educational agencies, with—

"(A) information regarding—

"(i) Federal funds that charter schools are eligible to receive; and

"(ii) other Federal programs in which charter schools may participate; and

"(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

"(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

"(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

"(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

"(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

"(4) To provide—

"(A) information to applicants for assistance under this part;

"(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

"(C) assistance in the planning and startup of charter schools;

"(D) training and technical assistance to existing charter schools; and

"(E) for the dissemination to other public schools of best or promising practices in charter schools.

"(5) To provide (including through the use of 1 or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).".

(g) COMMENSURATE TREATMENT; RECORDS TRANSFER; PAPERWORK REDUCTION.—Part C of title X of such Act (20 U.S.C. 8061 et seq.) is amended—

(1) by redesignating sections 10306 and 10307 as sections 10310 and 10311, respectively; and

(2) by inserting after section 10305 the following:

"SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of enactment of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

"(b) ADJUSTMENT AND LATE OPENINGS.—

"(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

"(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

"SEC. 10307. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

"To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this part, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

"SEC. 10308. RECORDS TRANSFER.

"State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 10309. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.".

(h) PART C DEFINITIONS.—Section 10310(1) of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8066(1)) is amended—

(1) in subparagraph (A), by striking "an enabling statute" and inserting "a specific State statute authorizing the granting of charters to schools";

(2) in subparagraph (H), by inserting "is a school to which parents choose to send their children, and that" before "admits";

(3) in subparagraph (J), by striking "and" after the semicolon;

(4) in subparagraph (K), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 of such Act (as redesignated by subsection (e)(1)) (20 U.S.C. 8067) is amended by striking "$15,000,000 for fiscal year 1995" and inserting "$100,000,000 for fiscal year 1999".

(j) TITLE XIV DEFINITIONS.—Section 14101 of such Act (20 U.S.C. 8801) is amended—

(1) in paragraph (14), by inserting ", including a public elementary charter school," after "residential school"; and

(2) in paragraph (25), by inserting ", including a public secondary charter school," after "residential school".

(k) CONFORMING AMENDMENT.—The matter preceding paragraph (1) of section 10304(e) of such Act (20 U.S.C. 8064(e)) is amended by striking "10306(1)" and inserting "10310(1)".

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. RIGGS) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The gentleman recognizes the gentleman from California (Mr. RIGGS).

GENERAL LEAVE

Mr. RIGGS. 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. 2616.

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

There was no objection.

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

Mr. Speaker, it is truly a pleasure to be here on the House floor today to vote on H.R. 2616, the Charter School Expansion Act of 1998. It represents the end of a rather lengthy and somewhat legislatively arduous journey, but I want my colleagues to know at the outset that the legislation before us represents as fine a bipartisan, bicameral effort as we have seen in this particular Congress.

It also represents, I think, a very important Federal education reform initiative, and I would hope that my colleagues will bear those words in mind, particularly as we enter or get closer to the November election.

We are clearly today in, and how do I put this politely, the election or political spin cycle, and I understand that it is part and parcel of our political process to say and do things for political advantage, but it is simply not true to represent that this Republican-led Congress is a "do-nothing" Congress that has produced no significant educational legislative achievements, and I cite this particular bill.

This bill represents the realization, the achievement, of one of the President's primary education proposals. It embodies a request that he made of the Congress at the State of the Union address last January where he called on us to put Federal taxpayer funding, start-up or seed money, if you will, for the creation of more charter schools, these are public schools of choice for parents and children, and he called on us to enact this legislation that we have before us today. So we have made

good on the President's request in a bipartisan fashion, and at the same time, I want my colleagues to understand that this particular initiative represents a very key part of the Republican education legislative agenda.

We have worked hard over the last 2 years of this Congress on legislation raising teacher competence, requiring students to meet rigorous standards, and allowing more parental choice in education. We hope and believe that this will result in greater, higher student achievement, better pupil performance, and after all, those are the results that everybody wants for our young people and our education system.

I also believe that this legislation responds to a growing public demand on the part of our fellow Americans for more choice in education. I personally am very heartened by recent public opinion polls that show that for the first time in surveying history, a majority of Americans now favor allowing parents to send their children to any public, private or church-related school. They also favor allowing the government, that is to say we, the taxpayers, to pay all or part of the tuition at a private school, and that is according to a poll conducted in June by the Gallup organization for Phi Delta Kappa, a professional association of educators.

In that poll, 51 percent, so slightly more than a majority, now support the concept of expanded and greater parental choice in education. And that poll is not the only one that shows that growing public support for more choice in education; more choice for parents and guardians who, after all, are the consumers of education. And what we are trying to do here is fundamentally change the educational paradigm in this country by shifting the focus in our education system from the providers of education to the consumers of education.

I say that and then hasten to add that we have made great strides in the higher education bill and in our literacy legislation to strengthen the teaching profession, because as I and Speaker GINGRICH and many other people have said, the gentleman from Pennsylvania (Mr. GOODLING), we believe that teaching is truly a missionary occupation. It is a calling. It is a high calling, a noble calling. Therefore, we want to do all that we can to strengthen America's teachers to prepare them for an exciting, challenging and rewarding career in the classroom.

I think we have done that, again, on a number of legislative fronts, bearing in mind that wonderful saying that a teacher can affect eternity because he or she never knows where their influence on our young people might end.

So I am very pleased to be on the floor to support this legislation, and as I go on to conclude my remarks, I also want to thank a number of people who were instrumental in working on this legislation. The principal author, as is referred to in the other body, the Senate Chamber, was Senator COATS. We were delighted to work closely with him and his staff in moving this bill through the Senate.

Denzel McGuire seated next to me, she is an extraordinarily capable member of the Committee on Education and the Workforce staff who has been supported by her colleagues on the staff in doing a great job on this legislation, and the rest of our very ambitious education legislative agenda in this particular Congress.

I was delighted to work very closely with my good friend, my classmate from the 102nd Congress, the gentleman from Indiana (Mr. ROEMER), in crafting this bipartisan legislation; and we would not be on the floor today if it were not for the support of that legislation by my good friend, the gentleman from California (Mr. MARTINEZ). All of us, I believe, have found common ground by forwarding public education reform through charter schools, and as the result of the input and contribution of all of these different people, this legislation, this bipartisan bill, is even a stronger piece of legislation.

Now, I want to point out that the charter school movement is something that is occurring out there, across the land. We are beginning to see the first charter schools here in the District of Columbia chartered by the District of Columbia public school system, but that is something that started years ago in the heartland of America.

In 1991, Minnesota became the first State to authorize charter schools. And today, just 7 years later, we have 32 States with charter school laws on the books, along with, as I just mentioned, the District of Columbia and Puerto Rico, the Commonwealth of Puerto Rico. We also have now today some 700 charter schools serving approximately 170,000 children across the country, and that is more than the entire student population of Rhode Island.

Charter schools, as I mentioned, are on the cutting edge of education reform in public education. They are a fascinating experiment in educational innovation. They are deregulated, decentralized, public schools that are largely autonomous from any governing body. They are schools that I would argue are much closer than most public schools to the constituency that they are intended to serve; that is, parents and the children, the children who would attend or matriculate at those schools.

The early reports about charter schools are very encouraging. They indicate that administrators and teachers are delighted that they are being freed up from overregulation, burdensome regulation. The teachers are more free to innovate in the classroom.

Many charter schools have adopted longer school days, longer school years, so that they are going above and beyond what they are required in terms of the total number of instructional hours, what they are required to offer by State law.

The bottom line here, in terms of the real improvement to the education system, is that students are eager to learn at charter schools, and parents are thrilled about the results. We have seen a correlation in America, American public education, over the last few years, between increased parental involvement in education and a corresponding increase in the achievement of their children.

We think that is very, very encouraging, and it is something that we here in the Congress want to continue to strengthen and reinforce.

Since 1994, when Congress authorized the National Charter Schools as part of the authorization of the Elementary and Secondary Education Act, and established a Federal taxpayer funding stream to assist charter schools with their start-up costs, and incidentally we have learned that those start-up costs are the greatest obstacle that charter school operators or charter school developers face in trying to start a charter school, we have learned a great deal about how the Federal Government can best support the charter school movement, and we hope that those lessons are incorporated into and represented by H.R. 2616, which responds to the concerns of students, parents, teachers, charter school operators, some of the educational experts that testified before our committee, and also represents the Department of Education's first-year report of their 4-year study on charter schools.

The highlights of our bill are as follows: We, first of all, meet the President's funding level request that he made in his State of the Union and in his subsequent budget proposal to Congress by increasing the authorization for Federal taxpayer funding for charter school start-ups from $15 million to $100 million, and we articulate a goal of trying to move the Congress and the country in the direction of 3,000 charter schools by the start of the new millennium; again, a goal that President Clinton has proposed for the country.

We drive over 90 percent of the Federal charter school money down to the State and local levels to establish more charter schools in those States that have strong charter school laws on the books.

We direct this money. We give priority to those States that provide a high degree of fiscal autonomy for charter schools, that can demonstrate progress in increasing the number of high-quality charter schools that provide for strong academic accountability, and the gentleman from Indiana (Mr. ROEMER) was a stickler on the

accountability provisions of the bill, and that provide for more than one chartering agency in the State.

We also try to ensure that charter schools will be treated on an equal basis, that they will be on an equal footing with other public schools when qualifying and competing for Federal categorical aid for the various federally-authorized and federally-funded categorical education programs.

Lastly, we direct the Secretary to help by disseminating information on how charter schools can access private capital to supplement their taxpayer funding.

We permit States to reserve 10 percent of their Federal grant money to provide assistance to established charter schools with a history of improving student performance so that those charter schools can help other fledgling charter schools in that State replicate their academic programs.

We ensure that individuals directly involved with the operation of charter schools are consulted in the development of any new Federal rules or regulations pertaining to charter schools.

We improve upon existing law by sending more money, as I mentioned earlier, directly to charter schools to ensure that parents and teachers have the maximum amount of Federal resources and flexibility available to them to start up high-quality charter schools.

This really is an outstanding bill with strong bipartisan support across the aisle, and I urge my colleagues to vote for H.R. 2616.

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

□ 1445

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

Mr. Speaker, this morning, as the gentleman from California (Mr. RIGGS) has outlined, we are considering H.R. 2616, the Charter School Expansion Act of 1998, and from his talk Members probably see the enthusiasm that he has for this particular bill, and maybe it should have been named the Frank Riggs Charter School Expansion Act of 1998.

But I continue to have reservations about charter schools. I do support this bill, however. I wholeheartedly believe in the need for innovation, for consideration of new approaches to education. But I am concerned about efforts to provide an unfettered growth in the number of charter schools. I really believe that we have to take a step back and evaluate whether charter schools are fulfilling the goals of using the flexibility and creativity that we have provided to provide high quality education.

Charter schools are relatively new. The oldest are only 6 years old. Much of the information we have about these schools is anecdotal. We lack concrete, objective data on their success or failure. However, I am glad to see that in H.R. 2616 it has been significantly scaled back from the version that originally passed the House, and that the language that I was able to incorporate in the legislation has been championed by the Senate in the bill before us today.

One of those provisions requires a description of how local educational agencies, that is a charter school or that has a charter school in its district will comply the Individuals with Disabilities Education Act.

There have been reports, including information provided at our hearings, on several serious problems regarding the admission and provision of services to children with disabilities. This language would reaffirm a charter school's responsibility under IDEA, and compel it to plan for compliance with that statute.

The other provision requires that in the evaluation of the impact of charter schools on students' achievement, the information provided on students attending those schools be reported on the race, age, disability, gender, limited English proficiency, and previous enrollment in public schools. I believe that will go a long way towards providing the specific information about the children being served by charter schools and the successes they are experiencing.

As many know, I am cautious yet supportive of the concept of charter schools and their possible impacts on the larger public school system as a whole. I therefore support this legislation before us and its passage, but I do have a question I would like to ask the chairman, if he would indulge me.

Mr. Chairman, this is the last piece of legislation that is scheduled to come from our subcommittee. I was wondering, there is another bill that we worked on very hard in a bipartisan manner, the Reading Excellence Act, that came out of our subcommittee.

I understand that legislation is at the desk now. I was wondering why we are not taking it up, and if there is any possibility to take that up now. I imagine, since we did the Native Americans under a unanimous consent agreement, that we might ask unanimous consent to take that bill up.

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, as the gentleman well knows, I need to defer to the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING), on any question involving unanimous consent.

I can tell the gentleman that it is my understanding that we hope that the literacy bill, otherwise known as the Reading Excellence Act, will be incorporated into the omnibus funding measure, the continuing resolution, that should be before this body either later today or tomorrow, over the weekend, but will certainly be, obviously, for purposes of funding the Federal Government, it will be enacted and passed through the House and will be enacted into law in the near future.

Mr. MARTINEZ. I am very glad to hear that. As the gentleman knows, the Senate passed it overwhelmingly. It would be a shame if we adjourned without taking that piece of legislation up, since it is an identical bill, and that is all we have to do is take it up and pass it for it to be signed into law. The President has already indicated he would sign it.

Mr. RIGGS. Yes.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, first of all, I just want to say that oftentimes this institution is targeted for high criticism because we engage in too much finger-pointing, not enough cooperation, and not enough bipartisanship.

That certainly can be true on occasion, but I think today the success of this charter school legislation points toward another side of the story, and points to one where, for a bold, new, exciting idea that can influence maybe the single most important issue in our Nation today, education, this bill typifies bipartisan support and cooperation, bicameral support and cooperation, bold and innovative ideas that have come from the local and the State level, and from some of our think tanks to this institution here.

I think it really reaffirms what we can get done on the most important problem in America when we join hands and work together.

I want to give high praise and credit to a number of people. First of all, I want to give credit to my friend, the gentleman from California (Mr. RIGGS), when we started working with Denzel McGuire and on my staff Gina Mahony back in April of 1997 to formulate how to work together, the Republicans and Democrats, to get this charter school bill crafted and get it through our committee.

I want to thank the gentleman from California (Mr. MARTINEZ), who had some hesitations and initial concerns about this legislation, where now I think, with some caveats and cautionary remarks, he is supportive.

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) and some people on the Senate side, Mr. Speaker. Senator COATS, a colleague of mine from the great State of Indiana, who is retiring, has worked and championed this legislation on the Senate side, along with Senator LIEBERMAN, Senator LANDRIEU, and Senator BOB KERREY. It probably could not have found its way through the mazes of the

United States Senate had it not been for that bipartisan cooperation, so there is a lot of credit that needs to go around to bring this truly historic legislation through this body.

Also, Mr. Speaker, the President of the United States, President Clinton, has been an advocate of charter schools, and has talked about these for a long, long time through his legislative career.

I also need to give credit to the Democratic Leadership Council, run by Al Fromm and Will Marshall, who have talked about schools in our Democratic Party for a decade. We have had a great deal of debate in our Caucus over how to move this idea in a positive way, with promise for our educational system, forward, investing in our public school system, investing in our teachers, and thereby helping our children and helping our economy and our businesses compete.

That is what this bill help us accomplish. That is the overriding goal with this legislation today, to move this public education system boldly forward, and help our businesses compete by getting students that can compete in a global economy today through high school and college.

Mr. Speaker, as we have worked on this legislation from April, 1997, onward, I want to tell the Members why I am a supporter of charter schools. First of all, they provide an alternative to the traditional public school system. I am a very strong supporter of public school education in America.

Yet, some of it is not working well enough today. We have too many savage inequalities between some of our inner city schools and some of our suburban schools. We need to work on discipline and safety in our schools. We need to reward and help teachers with professional development and resources, so they can continue to be the heroes in our classes today.

Yes, we need charter schools. We need charter schools so we have bold experiments to look at ways to get some of these schools away from some of the regulations and burdens of Federal regulations handed down to the local governments and our local schools, and free them up with some new ideas to experiment with the curriculum, to experiment with the length of the school year, to experiment with the length of the school day; to really drive reform and drive change into some of our public schools. That is one of the reasons.

Secondly, I am for strengthening accountability for academic achievement. Certainly some of our schools, many of our schools, most of our schools in America today are performing very well. Some of them are not, and we need to increase the accountability on these schools. We need to make sure that when a school is not performing that there are consequences. That consequence will happen to charter schools. They can and will be shut down. That is not a bad thing. That can be a very good thing.

Mr. Speaker, thirdly, we need to inject innovation and reform into the public school system. When we see charter schools, and even used in the right fashion, they are not the silver bullet. No Democrat is going to claim, or Republican, I hope, is going to claim that there is a single silver bullet and a panacea to solve the hard work of fixing and reforming and boldly moving forward our education system in America today. There are a host of things we need to do, from more parental involvement to increased safety and discipline to, yes, charter schools.

But when we try charter schools with a host of these other things, such as they are doing in Chicago, Illinois, we see test scores go up, we see absenteeism go down, we see parents get more and more involved in the system. We see hopefully less threat from outside the schoolroom and in the neighborhoods. It takes work to make our public school system work. That is what we all need to do today as Americans.

Mr. Speaker, I think most people know that charter schools have been out there for 6 or 7 years. We now have in this academic year 1,129 charter schools serving 250,000 students in America today. Thirty-four States, Mr. Speaker, have passed charter school legislation, and I hope, and I think we all hope, that all 50 States will move towards embracing charter schools.

This legislation increases the authorization level for charter schools, and I want to commend the appropriators for increasing the appropriation this year to $100 million for charter schools throughout the country.

□ 1500

This legislation also provides assistance to charter schools in ensuring that they receive information about their eligibility for Federal education programs, as well as their commensurate share of title I and IDEA funding. Many charter schools have not known that they were even eligible for these funds and have had some kind of difficulty obtaining these funds. I am pleased, I am proud to say that this bill provides assistance in those areas.

This bill also contains funding for high-performing charter schools so they can disseminate, they can share these worthwhile practices with other schools.

One of the reasons I support charter schools is because I think they will have a ripple effect into the traditional public school system. And, yes, we are seeing results of that too, Mr. Speaker. The charter schools office at Central Michigan University is already saying they are seeing a secondary ripple effect into the public school system from public charter schools. So, we are seeing progress, we are seeing hope, we are seeing reform through this bold innovation.

Again, I want to close by quoting Will Rogers, Mr. Speaker. He once said, "You can be on the right track, but if you are not moving fast enough, you are going to get run over." I think the American people want us to move down the right track on reforming public education, to invest in it, to care passionately about our children in these schools, to work together, Democrats and Republicans, and to make sure that we are working with our business community investing in better vocational and technical skills.

But I think today, instead of the finger-pointing and the jeering, instead of the critiques that we see about this institution not getting enough done, today with charter school legislation we are accomplishing a lot for America.

Mr. Speaker, I salute the institution in a bipartisan, bicameral way for this success.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

For most who know me, some 20 years ago, for 10 years I taught, and I consider it one of the most important roles that any of us in our society can aspire to. But I am concerned about this bill, the amendments to the Community Design Charter School Act.

Make no mistake about it, I support charter schools. In fact, I call my colleagues' attention to the fact that the City Academy, the first charter school in the Nation, existed and was developed in my neighborhood community on the east side of Saint Paul where I hail from. We opened our doors there in 1992 to 35 students.

The State of Minnesota, of course, has been a center for this under Governor Rudy Perpich, governor at that time. He instituted a Statewide program that, in fact, capitalized on this. But this legislation, which I voted against when it was considered in the House initially, had some fundamental flaws, all of which I think have not been cured.

This is, of course, a case I think of symbolism over substance. This measure authorizes the use of funds for planning, design, and initial implementation of the charter schools. In other words, the funds allocated in this legislation are intended to help with start-up of the schools. This ignores, of course, the needs of districts such as mine and States such as mine which already have strong charter school systems in place.

When the Academy opened in 1992, the first charter school in our Nation, they were setting up folding chairs and

tables to conduct classes. The school has worked hard since then to acquire the necessary supplies and equipment needed for fully functioning classrooms. But, nevertheless, they are struggling.

As a supporter of charter schools, I understand the importance of appropriating funds to innovative schools to assist them in covering initial expenses, but also in terms of maintaining their operations. States like Minnesota are struggling their best to support rational innovation; however, equitable funding for up-and-running schools are shortchanged in this particular program. We tried an amendment on the floor and we were not able to change that.

The proponents of this legislation claim they are going to give school districts more autonomy. But the bill appears to shift the fiscal control from local entities to a State authority. That is the language of the amendments. Local schools have too little to say in how grant money for charter schools is distributed in this program. Rather, the State education agency or its equivalent is given the power of being the fiscal agency or funding source. This clearly fragments local control. This is contrary to Minnesota's success, where greater support comes from the local school district than from the State and Federal government combined!

Additionally, this legislation directs the Department of Education to fund one or more contracts to help charter schools obtain access to private capital. This is, clear and simple, I understand, something that the administration favored. But I am hesitant myself to advocate using Federal dollars as seed money and turning a school entity into a fund-raising operation. Are the Federal dollars, U.S. taxpayer funds going to pay for the bingo prizes?

If there is not enough nonprofit initiative to fund schools or charter schools, or enough gumption to obtain the funds, should this be a Federal role? I do not think so. Charter schools are still experimental in nature. Promoting funding specifically for schools that have a high degree of autonomy over their budgets and expenditures without sound accountability is a real problem.

Funding should be awarded on the school's ability to demonstrate they are indeed able to achieve success in educating our students in terms of educational measurement, or testing which demonstrates accountability.

Mr. Speaker, let me reiterate that I am not against charter schools. On the contrary, I want to be sure that the local authorities that we elect to provide most of the funding for local education, that such ideas are models, and that equitable and efficient means to assure their success are available and reject detours on the way to such innovation.

Let us reward those who are already fighting the fight, those that have earned the right for Federal support rather than promoting a measure which superimposes some Washington, D.C. idea of what a charter school is. That is what this legislation does. Minnesota has shown us how to do it and the Federal policy-makers still cannot seem to get it right.

No doubt this legislation will pass today. It's certainly improved over the House passed version, and the bill authorizes more appropriation over the 1994 original charter school Federal law that I optimistically supported. Hopefully, as this new policy is implemented, we will note the concerns I've voiced and they may be corrected in the administrative implementation. I reluctantly support this measure today and am hopeful that proper oversight will persist regarding the changes and policy to accomplish the good intentions I've heard voiced today.

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

Mr. Speaker, just to respond to the concerns of the gentleman from Minnesota (Mr. VENTO), we have tried to be responsive to that particular issue by adopting Senate language that will allow the States to reserve up to 10 percent of their allocation to help fund existing successful charter schools, so they can continue and expand their operations.

They can also act, potentially, as a template for other charter schools in that community and in that State, so that those new charter school startups can hopefully replicate the success of that existing charter school. So, we have tried to be responsive to that.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise in strong support of H.R. 2616, the Charter Schools Amendments Act of 1998. There is no more compelling issue in my mind than the future of our children, and I think most of us would surely agree. But our efforts to improve K through 12 education can and must be an important contribution to this Nation's future and the Federal Government needs to pay more close attention to this important need.

Sadly, American students by any measure are ranking much lower than their peers around the world in math and science performance. It is critical that we pay attention to much-needed reforms and help the school boards and the States improve K through 12 education, and the Federal Government should play a much larger role in this priority.

I want to take a moment though and also commend the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), for has leadership on these issues. I am sad to say that he will be moving on to other challenges at the conclusion of this year, but his leadership on this important issue is to be commended and I thank him.

The Charter Schools Amendments Act strengthens our public charter school programs, without a doubt. I for one am a product of the Long Island Public School system, one of the finest in the country, and the New York State Public University system. So, I understand and appreciate the dedicated professionals who have defined the success of our public school systems.

But we must also recognize that public schools are not always meeting the grade. They are not always getting the job done. And this charter schools legislation is critical. It allows, frankly, parents the freedom to choose the schools based on the best educational environment for their children.

The bill is about giving parents educational choices and putting them at the top of the list when it comes to making decisions about what is best for their children's future and their children's education.

But we must also allow other approaches to improving K through 12 education. Our children need a safe and clean learning environment, and I support providing Federal funds to finance the repair and modernization of public schools, for instance.

I support proposals to hire the 100,000 qualified new teachers to reduce class size and eliminate overcrowding. And I support voluntary national testing so our students' performance can be measured against other students across the regions from different parts of the country.

Recently, we made further progress by passing the Dollars to the Classroom Act, again another important tool in this effort to improve K through 12 education. The Classroom Act would pump $2.74 billion directly into our classrooms, another important part of this effort.

We must make this commitment. Congress and the Federal Government have an obligation to help improve K through 12 education and to allow our children to be competitive in the global economy and in the competitive 21st century.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM) my immediate predecessor as the chairman of the Subcommittee on Early Childhood, Youth and Families.

Mr. CUNNINGHAM. Mr. Speaker, first of all I would like to say what a fantastic job that the gentleman from California (Mr. RIGGS) has done. He will be leaving this Congress at the end of the year, and so I do not have to say nice things about him because he is going to be back as chairman. But I will say it because of what a good job he has done.

California has taken the lead in charter schools, and has over the last 5, 6 years. I would like to also say what we have done, with my colleagues' support

on the other side, with the charter schools in the D.C. bill, the Washington, D.C. bill.

The schools here are dismal in this particular district that we are sitting in. The new school superintendent came out in support of charter schools and we fully funded them. One of the problems was some of the money was taken out of public schools. Our position was, with the gentleman from California (Mr. RIGGS) and myself and the chairman of the committee, the gentleman from North Carolina (Mr. TAYLOR), that the schools are doing so well, let us not penalize them. Let us reward them for the good work that they are starting to do in the City of Washington, D.C.

So, we were able to fully fund the public schools to, add the money for the charter schools. We had 20,000 students to beg for summer school. First time. And it is not because they had to go to summer school; it is because they wanted to go to summer school. They wanted to learn.

I would like to thank the gentleman from California (Mr. RIGGS) and the gentleman from Pennsylvania (Chairman GOODLING) and the committee for that good work, not only in charter schools themselves but in Washington, D.C. They are starting to turn the corner. We have a long way to go. And I beg my colleagues on both sides of the aisle, let us stay focused on it.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume for the purposes of closing debate.

One thing I want to say that follows on what the gentleman from California (Mr. CUNNINGHAM) just said and that is that we are seeing a tremendous and I believe pent-up demand for more choice, more selection, if you will, in public education. We are beginning to see waiting lists created in charter schools around the country.

Our legislation stipulates that children must be served on a first come, first served basis with a lottery system, if there are more students desiring to get into a particular school than there are classroom spaces. And that first come, first served system includes children with learning disabilities.

In fact, we have seen charter schools started in many communities around the country for the express and sole purpose of serving children with learning disabilities and special education needs.

□ 1515

So the charter school movement, again, is very exciting.

In closing, I want to recognize and thank Gina Mahony from the staff of the gentleman from Indiana (Mr. ROEMER), who was a very able counterpart to Denzel McGuire, and we like that Irish-American connection.

Again, I urge my colleagues to support this bill. It will infuse more competition and more choice into the public education system and make that system less monolithic and more responsive to parents and the needs of their children. I urge passage of the legislation.

Mr. GOODLING. Mr. Speaker, today we consider H.R. 2616 is amended by the Senate, the "Charter Schools Expansion Act of 1998". H.R. 2616 is a result of extensive efforts by Mr. RIGGS and Mr. ROEMER to craft a charter school bill that enjoys broad bipartisan support.

I would also like to take this opportunity to recognize Mr. RIGGS for his fine leadership as Chairman of the Subcommittee on Early Childhood, Youth, and Families. Mr. RIGGS has had an enormously successful tenure as Subcommittee Chairman.

He has successfully crafted numerous education bills, including but by no means limited to the charter school bill we are considering today. I regret that Mr. RIGGS has decided to retire this year as his tireless energy and dedication have been a wonderful asset to the Committee. I am sure that I speak for all the Members of the Committee in saying that we will miss his leadership and devotion in crafting innovative legislation and bettering the lives of children all across this country. We wish him well in his future endeavors.

I would also like to take this opportunity to thank Senator COATS for successfully spearheading efforts to get a charter school bill passed in senate.

We passed H.R. 2616 last October with an overwhelming bipartisan vote. The Senate recently amended H.R. 2616 and sent it back to us for a final vote. I am pleased to say that when the House votes for H.R. 2616 today, we will be able to send the bill to the President for signature.

As we stand here on the House floor today, about 170,000 children are being educated in 700 charter schools across the nation. Clearly, charter schools are no longer a fringe idea, rather they represent an integral component of public education reform.

H.R. 2616 builds upon what we have learned about charter schools, since 1994 when Congress established a Federal funding stream to assist charter schools with start-up costs—the planning, design and initial operation costs involved with starting-up a charter school.

This bill responds to lessons we have learned over the last four years, the concerns expressed in five hearings we have held on charter schools and the findings of various public and private studies on charter schools. It represents a well-thought-out approach to improving the existing charter school statute and to spurring the creation of more charter schools.

By all accounts, the number one concern of charter school operators is a lack of start-up funds. H.R. 2616 addresses that concern on several fronts: it increases the authorization level, it drives more Federal dollars directly down to locals to establish high quality charter schools, it ensures that charter schools receive their fair share of the Federal dollar and it directs the Secretary to disseminate information on how charter schools can access financial resources, including private capital.

Charter schools have made great strides in just a few short years. The strengths of charter schools lie in their academic performance, parental involvement and teacher satisfaction. This bill ensures that these innovative schools will have the maximum amount of assistance to help them keep up the good work.

In addition, this bill not only allows charter schools to keep up the good work but also encourages charter schools to share their knowledge on best practices with other public schools. Under the bill, States may provide assistance to established charter schools, with a proven record of improving student performance, who wish to replicate their successful academic programs so that more children may benefit from their innovative curriculums and teaching techniques.

In closing, I would like to emphasize that we have before us today a bipartisan bill that contributes greatly to the charter school movement and urge my Colleagues to vote for H.R. 2616.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. RIGGS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2616.

The question was taken.

Mr. RIGGS. 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.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TRAFICANT. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of personal privilege of the House.

The form of the resolution is as follows:

A resolution, in accordance with House rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations:

Now, therefore, be it resolved by the House of Representatives that the House of Representatives calls upon the President of the United States to:

Number 1, take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

Number 2, to pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

Number 3, pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

Number 4, establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

Number 5, report to the Congress by no later than January 5, of the coming year, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore (Mr. SUNUNU). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. TRAFICANT) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. TRAFICANT. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The Chair will do so at the appropriate time.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 852) to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, as amended.

The Clerk read as follows:

S. 852

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 "National Salvage Motor Vehicle Consumer Protection Act of 1998".

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

"CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

"Sec.
"33301. Definitions.
"33302. Passenger motor vehicle titling.
"33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.
"33304. Report on funding.
"33305. Effect on State law.
"33306. Civil penalties.
"33307. Actions by States.

"§ 33301. Definitions

"(a) DEFINITIONS.—For the purposes of this chapter:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it includes a multipurpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), a truck, other than a truck referred to in section 32101(10)(B), and a pickup truck when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and it only includes a vehicle manufactured primarily for use on public streets, roads, and highways.

"(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

"(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 75 percent of the retail value of the passenger motor vehicle;

"(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

"(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

Notwithstanding any other provision of this chapter, a State may use the term 'older model salvage vehicle' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a late model vehicle in paragraph (9). If a State has established or establishes a salvage definition at a lesser percentage than provided under subparagraph (A), then that definition shall not be considered to be inconsistent with the provisions of this chapter.

"(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title shall be conspicuously labeled with the word 'salvage' across the front.

"(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

"(A) any passenger motor vehicle which was previously issued a salvage title, has passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

"(B) any passenger motor vehicle which was previously issued a salvage title, has passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant

to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

"(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

"(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

"(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

"(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

"(B) has a retail value of more than $7,500.

The Secretary shall adjust such retail value on an annual basis in accordance with changes in the consumer price index.

"(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

"(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

"(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

"(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

"(12) FLOOD VEHICLE.—

"(A) IN GENERAL.—The term 'flood vehicle' means any passenger motor vehicle that—

"(i) has been acquired by an insurance company as part of a damage settlement due to water damage; or

"(ii) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined—

"(I) to have no electrical, computerized or mechanical components which were damaged by water; or

"(II) to have one or more electrical, computerized or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

"(B) INSPECTION NOT REQUIRED FOR ALL FLOOD VEHICLES.—No inspection under subparagraph (A) shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to this chapter.

"(C) EFFECT OF DISCLOSURE.—Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (A) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

"(b) CONSTRUCTION.—The definitions set forth in subsection (a) only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

"§ 33302. Passenger motor vehicle titling

"(a) CARRY-FORWARD OF STATE INFORMATION.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of that Act, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'older model salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or word of like kind, or that it has been damaged by flood, and the name of the State that issued that title.

"(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, the Secretary shall by rule require each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of that Act, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

"(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

"(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

"(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

"(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

"(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

"(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

"(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

"(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

"(B) A requirement to inspect the passenger motor vehicle or any major part or any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

"(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct

such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

"(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

"(10) A State shall employ the following titling and control methods:

"(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

"(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

"(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle and notify the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle, except to the extent such notification is prohibited by State insurance law.

"(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage.

"(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

"(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

"(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

"(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

"(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

"(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

"(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

"(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

"(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

"(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may, if permitted by State law, be registered for use on the roads and highways.

"(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never be titled or registered for use on roads or highways.

"(c) CONSUMER NOTICE IN NONCOMPLIANT STATES.—Any State receiving, either directly or indirectly, funds appropriated under section 30503(c) of this title after the date of enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998 and not complying with the requirements of subsections (a) and (b) of this section, shall conspicuously print the following notice on all titles or ownership certificates issued for passenger motor vehicles in such State until such time as such State is in compliance with the requirements of subsections (a) and (b) of this section: 'NOTICE: This State does not conform to the uniform Federal requirements of the National Salvage Motor Vehicle Consumer Protection Act of 1998.'.

"(d) ELECTRONIC PROCEDURES.—A State may employ electronic procedures in lieu of paper documents whenever such electronic procedures provide the same information, function, and security otherwise required by this section.

"§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

"(a) WRITTEN DISCLOSURE REQUIREMENTS.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

"(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

"(3) COMPLETENESS.—A person acquiring a rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

"(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

"(b) LABEL REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the applicable State antitheft inspection in a participating State.

"(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

"(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

"§ 33304. Report on funding

"The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

"§ 33305. Effect on State law

"(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws in States receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1998, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

"(1) set forth the form of the passenger motor vehicle title;

"(2) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'nonrepairable', or 'flood', or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

"(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

"(b) EXCEPTIONS.—

"(1) PASSENGER MOTOR VEHICLE; OLDER MODEL SALVAGE.—Subsection (a)(2) does not preempt State use of the term—

"(A) 'passenger motor vehicle' in statutes not related to titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle ; or

"(B) 'older model salvage' to designate a wrecked, destroyed, or damaged vehicle that is older than a late model vehicle.

"(2) CONSUMER LAW ACTIONS.—Nothing in this chapter may be construed to affect any private right of action under State law.

"(c) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt national salvage title that a rebuilt national salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

"§ 33306. Civil penalties

"(a) PROHIBITED ACTS.—It is unlawful for any person knowingly to—

"(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

"(2) fail to apply for a salvage title when such an application is required;

"(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10)(I), or any disclosure made pursuant to section 33303;

"(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

"(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

"(6) fail to make any disclosure required by section 33302(b)(11);

"(7) fail to make any disclosure required by section 33303;

"(8) violate a regulation prescribed under this chapter;

"(9) move a vehicle or a vehicle title in interstate commerce for the purpose of avoiding the titling requirements of this chapter; or

"(10) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9).

"(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

"§ 33307. Actions by States

"(a) IN GENERAL.—When a person violates any provision of this chapter, the chief law enforcement officer of the State in which the violation occurred may bring an action—

"(1) to restrain the violation;

"(2) recover amounts for which a person is liable under section 33306; or

"(3) to recover the amount of damage suffered by any resident in that State who suffered damage as a result of the knowing commission of an unlawful act under section 33306(a) by another person.

"(b) STATUTE OF LIMITATIONS.—An action under subsection (a) shall be brought in any court of competent jurisdiction within 2 years after the date on which the violation occurs.

"(c) NOTICE.—The State shall serve prior written notice of any action under subsection (a) or (f)(2) upon the Attorney General of the United States and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting an action, the Attorney General shall have the right—

"(1) to intervene in such action;

"(2) upon so intervening, to be heard on all matters arising therein; and

"(3) to file petitions for appeal.

"(d) CONSTRUCTION.—For purposes of bringing any action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(e) VENUE; SERVICE OF PROCESS.—Any action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(f) ACTIONS BY STATE OFFICIALS.—

"(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

"(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.".

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

"333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS ..... 33301".

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Section 30501(4) of title 49, United States Code, is amended to read as follows:

"(4) 'nonrepairable vehicle', 'salvage vehicle', and 'rebuilt salvage vehicle' have the same meanings given those terms in section 33301 of this title.".

(2) Section 30501(5) of such title is amended by striking "junk automobiles" and inserting "nonrepairable vehicles".

(3) Section 30501(8) of such title is amended by striking "salvage automobiles" and inserting "salvage vehicles".

(4) Section 30501 of such title is amended by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Section 30502(d)(3) of title 49, United States Code, is amended to read as follows:

"(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle;".

(2) Section 30502(d)(5) of such title is amended to read as follows:

"(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle under section 30504 of this title.".

(c) STATE PARTICIPATION.—Section 30503 of title 49, United States Code, is amended to read as follows:

"§ 30503. State participation

"(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

"(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

"(1) communicating to the operator—

"(A) the vehicle identification number of the automobile for which the certificate of title is sought;

"(B) the name of the State that issued the most recent certificate of title for the automobile; and

"(C) the name of the individual or entity to whom the certificate of title was issued; and

"(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

"(c) GRANTS TO STATES.—

"(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

"(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

"(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

"(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

"(d) REPORT TO CONGRESS.—Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.".

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking "junk automobiles or salvage automobiles" every place it appears and inserting "nonrepairable vehicles, rebuilt salvage vehicles, or salvage vehicles".

SEC. 4. DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 of title 49, United States Code, is amended by adding at the end thereof the following:

"(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not later than September 1, 1998, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 852, and to include extraneous material.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Today I rise in strong support of the bill S. 852, the National Salvage Motor Vehicle Consumer Protection Act. As many of my colleagues know, this bill is similar to legislation passed by the House at the end of the first session of this Congress, H.R. 1839, introduced by the gentleman from Washington (Mr. WHITE), a member of the Committee on Commerce.

As many of my colleagues know, I first became interested in this subject when my constituent and longtime friend, Dick Strauss, brought to my attention the problem of the hodgepodge of State definitions for salvage and rebuilt automobiles. While most automobile dealers make every effort to ensure that used cars on their lots are of the highest quality, increasingly sophisticated scam artists are using the differences in State automobile titling schemes to swindle consumers, dealers and insurers alike.

Both H.R. 1839 and this bill would require that States receiving certain Federal grants must either adopt uniform definitions and procedures for titling and salvaging rebuilt automobiles or must inform their consumers that they do not meet Federal standards. Neither bill forces any State to change its standards, and the bill before the House gives States even more protection for standards that they view as more protective.

While the bill was in the Senate, Senator LOTT and Senator GORTON made a number of worthwhile changes to the bill. Among other provisions, S. 852 lowers the threshold for "salvage vehicles" from 80 percent to 75 percent; it allows States to use the term "older model salvage vehicle" to cover certain vehicles that might not be covered by the Federal definition; and it permits the chief law enforcement officer of a State to seek restitution for aggrieved customers. All of these changes are improvements to the bill and are contained in the legislation before the House today.

However, this legislation came back from the Senate with one provision that we could not accept, because it would render the purpose of the bill completely meaningless. In an amendment offered by several Members of the other body, the system of uniform definitions proposed by the bill was put aside, and the Federal definitions were designed as an "overlay" on top of the already confusing system of State definitions. Under the language that passed the Senate, the consumer could be confronted with two definitions of "salvage" that contradict one another, a Federal definition and a separate State definition.

That amendment represents a huge step backwards for consumers. The bill, as it passed the Senate, would only result in more confusion for consumers and a greater opportunity for criminals to further abuse the system of titling salvage vehicles. In a recent letter from the State motor vehicle officials, the officials charged with implementing the law, they described this language as "unworkable" and "serving no useful purpose, while undercutting the important goals of the bill." We cannot, in good conscience, accept this language.

However, that amendment was rooted in a legitimate concern for consumers in States that would otherwise have stricter standards for defining salvage vehicles. In order to address this concern, we have added language which will permit States to use any percentage definition for salvage vehicle that the State deems appropriate. I believe that this will go a long way in addressing the concerns raised by critics of this legislation.

Mr. Speaker, this legislation protects consumers by striking a balance. It vastly improves the status quo by giving consumers, dealers, and State officials notice about the status of vehicles that have been totaled by accident or flood. Today, the patchwork of 50 different State laws ensures that no State can adequately protect its own citizens. This legislation changes that situation for the better, and I strongly support its passage.

In closing, I want to recognize the gentleman from Washington (Mr. WHITE) for all his hard work in moving this legislation in both the 104th and the 105th Congresses. The majority leader of the other body also deserves high praise for his dedication to this issue.

I urge all my colleagues to support this bill.

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

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

Mr. Speaker, I rise with significant concerns about the bill before us this afternoon. S. 852, authored by Senator LOTT, is the companion bill to H.R. 1839, introduced by the gentleman from Washington (Mr. WHITE). I opposed this bill when it originally left the House, and I oppose it again today.

Mr. Speaker, this legislation ought to be crafted in a way that establishes a high level of consumer protection,

while allowing States to provide additional protections for their citizens. This bill does not achieve that goal, and it has a number of problems.

The sale of rebuilt, wrecked or totaled vehicles, and just so those who may be watching or listening to this debate understand what we are talking about, it is that category of cars that have been totaled. That is what we call it in Boston. I do not know what other parts of the country may call it when a car is in such a wreck that it essentially costs more money to repair it than it does to junk it, but in Boston we call it a totaled car. Well, that is what this legislation deals with, that category of cars that have been totaled.

We believe that there is substantial risk of death, or disability, or personal injury or financial ruin to large numbers of people, and that this bill ought not to pass. It is not that an effort has not been undertaken or that has not consumed a huge amount of time. It has. It is that, at the end of the day, the bill does not achieve the goal which was sought.

For example, I continue to have concerns that the different definition in the bill of a late-model vehicle is overly narrow. This legislation would exempt sellers of cars of models over 6 years old and worth less than $7,500 from having to disclose accident damage. The Department of Transportation tells us that the average car in America is 8 years old. And so the fleet of automobiles that is going to be potentially exempted under the provision of this bill is huge.

It would seem to me that even if one wanted to preempt the States, that one would at least want to cover the average car on the road, at least cars that are 8 years old. Now, it seems, I think to a lot of people, somewhat of a surprise that the average car is 8 years of age, but that is the reality. These cars are the ones most likely to be those on used car lots and most likely to be safety threats to our citizens.

Although this legislation gives States some flexibility in limited fashion to change the percentage, I am still concerned about it, because it would have the effect of preempting vital consumer protection laws for all used car buyers at each State that opts into the Federal titling plan.

The bill also requests the Department of Transportation to issue national regulations and standards relating to title granting, but it does not contain any money to help the States to implement it. There is no adequate enforcement provision. No private right of action is contained in the bill. An individual cannot sue themselves. With all the pressing cases that they have, relying upon United States attorneys to take a used car dealer to court for allegedly misbranding a title of any car is a false hope for any consumer in our country.

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We need a private right of action, so that if someone misbrands a title or omits vital information, a consumer can then take them to court to seek redress.

When this motor vehicle salvage bill passed the House earlier in this Congress, I expressed the hope that we could improve the bill authored by the gentleman from Washington (Mr. WHITE) to make it satisfactory from a consumer perspective as the process moved forward in the Senate and in our conversations with the other body, and the Senate actually approved this motor vehicle salvage bill recently, adopting a pro-consumer amendment offered by Senators LEVIN and FEINSTEIN. This amendment ensures that States could go further and protect consumers even more. Unfortunately, the very changes that improved the bill in the Senate and started to make it consumer friendly are being deleted from the bill before us today. Rather than working with those of us who had problems with the bill, this bill is being brought to the floor with these consumer protections and State authority provisions being summarily dropped. In short, Members are being asked to pass a bill to protect consumers that lacks the support of the national consumer groups and the State attorneys general.

In its current form, this bill is opposed by the Consumer Federation of America, opposed by the Center for Auto Safety, opposed by Public Citizen, opposed by the National Association of Consumer Advocates, opposed by U.S. PIRG, opposed by the Consumers Union. How on earth can this bill be characterized as a pro-consumer bill if all the large, national consumer groups strongly oppose its passage? I urge Members to oppose this bill, Mr. Speaker.

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

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

Mr. Speaker, the gentleman from Virginia would like to ask the gentleman from Massachusetts if totaled, is that what happened to the BC Eagles last night against the Virginia Tech Gobblers?

Mr. MARKEY. If the gentleman will yield, Mr. Speaker, exactly. The Virginia Tech football team totaled the BC football team, in the same way that the Cleveland Indians totaled the Red Sox last week. I do not think either a football team or a baseball team ought to be allowed back out on the field without some kind of warning to fans in Boston that they could be engaging in activity very dangerous to their psychic health.

Mr. BLILEY. I thank the gentleman for his response.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. WHITE), the chief author of this bill.

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding time, and I am happy to know that the gentleman from Massachusetts, even if he does not support this bill for a totaled car, he would support it for a totaled athletic team. I appreciate that very much.

Mr. Speaker, this is a good bill that does a very simple thing. It simply requires the States to disclose to consumers if the car they are buying has been totaled. Now, this bill is also proof that nothing is easy to get done in this particular institution, because with massive support from the House, we had a vote of 336–72 when this was passed almost a year ago, and with massive support even 2 years prior to that in the last Congress, this bill has still been tied up in the Senate until just recently, for almost a 3-year period of time.

They finally sent it back to us just this week with some minor changes except in one case. As the chairman described to us earlier, they added an amendment that would allow for dual definitions of what a salvage vehicle is. I agree with the chairman wholeheartedly that that would just lead to confusion, it would be a big mistake, and so I totally support his amendment to take those dual definitions out and simplify this bill so that it accomplishes the purpose that we were trying to accomplish. But with the manager's amendment, this is a good bill. It deserves our support, just as it did before.

If I might just respond to a couple of quick things that the gentleman from Massachusetts said.

Number one, I want to assure him that in Seattle we refer to these cars in a very similar way that he does. We refer to them as a totaled car. I understand in Boston they are referred to as a totaled "caah" but it is a very similar thing. I think we are dealing with the same issue.

I also want to remind the gentleman, as we discussed when we talked about this bill earlier, the problem with older cars is one of striking a balance. If a car is too old and it sustains damage, for example, to the sunroof, you might find yourself in a situation where a damaged sunroof totals more than 75 percent of the value of the car. We do not want a car with a damaged sunroof to be considered totaled. So we tried to find a balance where older cars were included but only to a point where minor cosmetic damage would not require them to be considered a salvage vehicle.

With that, Mr. Speaker, I would simply urge my colleagues to vote in favor of this bill.

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

Mr. Speaker, in Boston when a car has been totaled we assume that car is not going to go back out on the road again. Now, in Washington State they

have a different relationship with these vehicles. They try to rehabilitate them, put that chassis back on top of the wheels again and get it back out on the road. We appreciate that. It is something that would not raise that big of an issue if all we were talking about is the sunroof that was being repaired, or if it was the internal upholstery that needed to be redone. But while it may include those repairs in the definition of being totaled, meaning that it would cost that much money in order to repair something and it exceeded the cost of the vehicle in its present condition, it could also include the fact that the steering wheel had come off in someone's hands as they were trying to turn left and the vehicle went right. It could mean that the entire chassis had been knocked off of the wheels, the axles of the car. It could mean a lot of other things. And under this legislation, the consumer would not be told that the wheel had come off in the last owner's hands, that the chassis had been knocked off of the axles and now been put back on, very carefully, but without notifying the subsequent purchaser that there might have been a problem.

Now, you say what are we talking about? Well, since the average car is 8 years old, I went to Kelley's blue book on the Internet to find some cars that will not get any protection at all. Let us look at what we can find in the blue book of Kelley's on the Internet.

Here we go. We got a 1990 FORD Escort LX hatchback, 2D, only 20,000 miles, air conditioning, power steering, only cost you $2125. You can buy this car right now, a 1990 car. Anyone interested? No warning. We do not know what has ever happened to that car, if it was totaled.

How about a 1990 Chevrolet Camaro RS, convertible, 2D. If Congress does not get a raise, a lot of Members are going to be looking at cars like this. 75,000 miles, air conditioning, power steering, power windows, tilt wheel, AM-FM stereo/cassette, $5280. Do not know where it has been, do not know if it got totaled and if it did get totaled, they are not telling you. They are going to tell you that they just put in some nice upholstery. "Doesn't it look nice? We got a nice shine on the outside of the car."

How about this one: 1990 BMW. Always wanted to get one of those foreign jobs? Here it is. A 325I sedan, 2D, air conditioning, power steering; $7,075. Been totaled, but you are not going to be told that when you buy it. You buy it as is. They are not even going to tell you it was totaled.

How about a 1990 Cadillac De Ville, in the mind's eye of every American the dream car. It is $6825, air conditioning, power steering, consumer-rated, condition excellent. Excellent. Who rated it? Have they been told that it was totaled? Do not have to tell anyone it has been totaled.

I could go on and on, right down to I am sure a car that a lot of people would be interested in, the 1990 Jaguar XJ6 sedan, $5675. 1990. Air conditioning, power steering. Totaled. But they do not have to tell you that when you buy it. They are telling you this is a beauty. "Want to take it for a spin around the block? Great. No, you don't have to take it out on the highway. I promise you. Great car."

Well, ladies and gentlemen, this bill does not give the consumer the information, the knowledge which they need. I think we should reject it at this time and try to improve it next year. We are going to be trying to do a lot of that in the next session of Congress. I would hope at this point that all Members listening understand the real danger to consumers, to drivers on the road, not only those in the car but those in other cars on the road that the driver of the vehicle does not understand the potentially dangerous conditions under which he is operating.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank the gentleman for yielding time.

Actually, I was off doing other work; but in listening to this debate on the floor, I thought that perhaps someone ought to come to the floor who as an avocation understands something about cars, since this discussion was fairly obvious to anyone who understands anything about cars that some of the folks who were carrying on the discussion knew nothing about them.

First of all, in today's passenger market if, in fact, you have a separate chassis you are almost always talking about a truck, you are not talking about a car. Cars tend to be unibody or just have a subassembly which is up front. The gentleman used an example of a 1990 BMW 325. That is probably a 325-I, which is their small car, that at 7,075 is a typical price for that car.

I would tell the gentleman if that car, according to an insurance company, was totaled, if you wanted to talk about the front end, your radiator would be about $300, your subsuspension, just the lower A arm is $194. I know. I just bought one about 2 months ago for my daughter's car. You begin adding up the bumper pieces and the rest, you will have spent $3,000 to $4,000 on a relatively minor 20-mile-per-hour wreck.

The description of the gentleman on the automobiles, and I will tell you, on an XJ6 1990, one of the problems with those automobiles, Jaguars, was that you would almost spend that much tuning the car up, let alone dealing with any of the mechanical problems with the car.

The point is, the gentleman's examples simply do not exist in the real world where economics control what you do and what you do not do. I am sympathetic with the gentleman indicating that when a car has been totaled, people ought to be notified. We need to deal with a reasonableness notification. I believe that the current limits of $7,500 and the model year makes some sense.

However, in the bill on page 10, if, in fact, the State wants to go beyond that and deal with an older model that has been salvaged, you can certainly do that. But if we are going to debate this, one of the things we ought not to do is to, with a considerable amount of time being consumed, let other people know exactly what we do not know about the subject matter that we are discussing.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume. I appreciate the comments of the gentleman from California. He is without question a quintessential used car salesman.

I appreciate the knowledge that he has about this subject, but the lecturing tone that he gives on this subject, well, is one where every American feels as though they are an expert on automobiles, and the younger you are, the more you feel as though you are an expert on used cars.

I personally as a former owner of at least eight or 10 used cars stand here as much of an expert as anyone may in terms of the representations that were made by the previous owner to me. Now, you might say that it was kind of foolish of me to put down money for cars that ultimately I wound up paying in repair bills at least triple the cost of that car, but I think many Americans share the same circumstances that I have.

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I know it is not rational, I know that is not the way the real world should work, and I wish I did not meet some of the people from whom I got their used cars, but nonetheless they are out there, and these used car salesmen with a straight face try to convince people that they are doing them a favor. And all we are saying here is that there is a certain caveat emptor that should exist in the marketplace when it comes to cars that have not been totaled, but if they have been totaled, then there is an additional safety risk. And to the extent that public health and safety is at risk, then people should be told that that additional component is included in the price of the automobile. That is all we are really saying.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I want to thank the chairman of our committee,

the gentleman from Virginia (Mr. BLILEY), who has led us so well this season, and to commend my friend, the gentleman from Washington (Mr. WHITE), for this legislation. I must tell my friend from Massachusetts that whenever we mix politicians and used car salesmen, we are certainly begging for a lot of trouble here. It is like Thunderbirds of a feather flying together, I suppose.

But this is a good bill. This bill, the National Salvage Motor Vehicle Consumer Protection Act, may not indeed rise to the level of importance of health care or telecommunications policy, but it is very important legislation. The bill simply protects consumers, and it protects legitimate automobile dealers, and it protects others from the fraud artists who would try to pawn off stolen or unsafe cars on those who have no way of knowing better. For the first time it will close the numerous loopholes created by 50 separate State salvage laws that have literally permitted car thieves to get away with murder.

This legislation is just as important to the used car consumer as the Telecommunications Act was important to consumers of phone service, and like the Telecommunications Act, we needed to carefully balance the needs of consumers and the needs of people in the business. We had to balance greater consumer disclosure against the effect their title brand might have both on the value of a vehicle and the cost to insure that vehicle, and we had to balance the need for consistent terms and procedures in titling vehicles against the State's right to maintain its sovereignty, and we needed to balance the need to maintain current business practices against the benefits of improved consumer disclosure.

As we passed the bill at the end of last session, Congress attempted to strike that balance, and the gentleman from Washington spent 2 years working with our committee and all the interested outside groups to address all the issues raised in our many hearings and discussions, and while I am proud of our work then, the bill before the House today actually reflects additional efforts made to accommodate the critics of the legislation.

For example, legislation before the House today tells States that if they accept Federal funds to upgrade the computer systems in their DMVs, that they are under an obligation to either adopt the uniform procedures in this bill or to tell their consumers that they may be purchasing a car with a checkered past. Either way the present situation is improved because consumers are on notice that there may be a potential problem.

If a State adopts all of the procedures outlined in the legislation, a consumer is notified in no fewer than four differ ways as to the status of the vehicle. And even more importantly, consumers in other States have notice about the vehicle's status as well. This is a vast improvement over the status quo.

Now, some of the critics of the legislation will argue that the thresholds of the bill are too high or they do not include enough cars in the definitions, so this bill addresses those concerns. It allows the States to set whatever percentage threshold they deem appropriate for defining a salvaged vehicle and allows our States to provide greater disclosures by allowing them to brand certain vehicles as, quote, older model salvaged vehicles, unquote. It even struck the prohibition on the use of certain other terms to describe salvaged vehicles. This bill represents a significant effort to address the concerns of the critics of the House-passed proposal.

So I would like to take this opportunity again to commend the gentleman from Washington and the Majority Leader of the Senate for their hard work on this legislation. They have both labored to try and include the suggestions of as many parties as possible and to even accommodate the interests of some who may not be squarely in favor of this approach, including some consumer advocates and some of our friends in the minority. They both deserve to be commended for their efforts.

In closing, Mr. Speaker, the bill of the gentleman from Washington (Mr. WHITE) represents a strong step forward for used car consumers. I strongly support the bill and urge our colleagues to do likewise.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume just to conclude by saying that if the bill does not cover the average car on the road, then the bill simply does not go far enough.

Again, it cannot be a consumer bill if every major consumer group in America is opposed to the bill.

In conclusion, the gentleman from Michigan (Mr. DINGELL) would like it to be noted that he is against this bill, and I do not think there is anyone who has ever served in this House who knows more about automobiles than Mr. DINGELL. And Mr. DINGELL, if my colleagues look up the word "automobile" in the dictionary, Mr. DINGELL's picture is next to it. I do not think anybody in this body questions that. He thinks this is a bad bill, and I am relying upon the good sense and good judgment of Mr. DINGELL on this issue, hoping that the Members will also vote no.

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

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

Mr. Speaker, I would just say to my friend from Boston, if the Massachusetts Motor Vehicle Department and the Massachusetts Legislature wants to extend this to older vehicles, they have every right to do so.

I would also say that with the objection of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL), the bill passed pretty much as is 336 to 72 the last time around.

With that I urge adoption of the bill.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 852, as amended.

The question was taken.

Mr. MARKEY. 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4353) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4353

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 "International Anti-Bribery and Fair Competition Act of 1998".

SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (1) of section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(f)(1)) is amended to read as follows:

"(1)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) is amended—

(1) by adding at the end the following:

"(g) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any issuer organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof and which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any United States person that is an officer, director, employee, or agent of such issuer or a stockholder thereof acting on behalf of such issuer, to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a) of this section for the purposes set forth therein, irrespective of whether such issuer or such officer, director, employee, agent, or stockholder makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (g)"; and

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (g)".

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) in paragraph (1)(A), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A";

(2) in paragraph (1)(B), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A"; and

(3) by amending paragraph (2) to read as follows:

"(2)(A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

"(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Commission.".

SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(g)) is amended—

(1) by amending subsection (g)(1) to read as follows:

"(g)(1)(A) PENALTIES.—Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be fined not more than $2,000,000.

"(B) Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General."; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (i) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.".

(c) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (2) of section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)) is amended to read as follows:

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(d) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) is further amended—

(1) by adding at the end the following:

"(i) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any United States person to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, irrespective of whether such United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (i)";

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (i)"; and

(4) in subsection (d)(1), by striking "subsection (a)" and inserting "subsection (a) or (i)".

(e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)(4)(A)) is amended by striking "For purposes of paragraph (1), the" and inserting "The".

SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING OTHER PERSONS.

Title I of the Foreign Corrupt Practices Act of 1977 is amended by inserting after section 104 (15 U.S.C. 78dd-2) the following new section:

"SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

"(a) PROHIBITION.—It shall be unlawful for any person other than an issuer that is subject to section 30A of the Securities Exchange Act of 1934 or a domestic concern (as defined in section 104 of this Act), or for any officer, director, employee, or agent of such person or any stockholder thereof acting on behalf of such person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

"(1) any foreign official for purposes of—

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

"(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person;

"(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person; or

"(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person.

"(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) of this section shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) of this section that—

"(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the foreign official's, political party's, party official's, or candidate's country; or

"(2) the payment, gift, offer, or promise of anything of value that was made, was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate and was directly related to—

"(A) the promotion, demonstration, or explanation of products or services; or

"(B) the execution or performance of a contract with a foreign government or agency thereof.

"(d) INJUNCTIVE RELIEF.—

"(1) When it appears to the Attorney General that any person to which this section applies, or officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

"(2) For the purpose of any civil investigation which, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General or his designee are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or his designee, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(4) All process in any such case may be served in the judicial district in which such person resides or may be found. The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

"(e) PENALTIES.—

"(1)(A) Any juridical person that violates subsection (a) of this section shall be fined not more than $2,000,000.

"(B) Any juridical person that violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(2)(A) Any natural person who willfully violates subsection (a) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a person, such fine may not be paid, directly or indirectly, by such person.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'person', when referring to an offender, means any natural person other than a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the law of a foreign nation or a political subdivision thereof.

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.

"(3)(A) A person's state of mind is knowing, with respect to conduct, a circumstance or a result if—

"(i) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(ii) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

"(B) When knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

"(4)(A) The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in—

"(i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

"(ii) processing governmental papers, such as visas and work orders;

"(iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance

or inspections related to transit of goods across country;

"(iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

"(v) actions of a similar nature.

"(B) The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business to or continue business with a particular party.

"(5) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof, and such term includes the intrastate use of—

"(A) a telephone or other interstate means of communication, or

"(B) any other interstate instrumentality.".

SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATIONS PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.

(a) DEFINITION.—For purposes of this section:

(1) INTERNATIONAL ORGANIZATION PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.—The term "international organization providing commercial communications services" means—

(A) the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization; and

(B) the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization.

(2) PRO-COMPETITIVE PRIVATIZATION.—The term "pro-competitive privatization" means a privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.

(b) TREATMENT AS PUBLIC INTERNATIONAL ORGANIZATIONS.—

(1) TREATMENT.—An international organization providing commercial communications services shall be treated as a public international organization for purposes of section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) until such time as the President certifies to the Committee on Commerce of the House of Representatives and the Committees on Banking, Housing and Urban Affairs and Commerce, Science, and Transportation that such international organization providing commercial communications services has achieved a pro-competitive privatization.

(2) LIMITATION ON EFFECT OF TREATMENT.—The requirement for a certification under paragraph (1), and any certification made under such paragraph, shall not be construed to affect the administration by the Federal Communications Commission of the Communications Act of 1934 in authorizing the provision of services to, from, or within the United States over space segment of the international satellite organizations, or the privatized affiliates or successors thereof.

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as specifically and expressly required by mandatory obligations in international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—The President and the Federal Communications Commission shall, in a manner that is consistent with specific and express requirements in mandatory obligations in international agreements to which the United States is a party—

(1) expeditiously take all actions necessary to eliminate or to limit substantially any privileges or immunities accorded to an international organization providing commercial communications services, its officials, its employees, or its records from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States, that are not eliminated by subsection (c);

(2) expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities not eliminated pursuant to paragraph (1); and

(3) report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any remaining privileges and immunities of an international organization providing commercial communications services within 90 days of the effective date of this act and semiannually thereafter.

(e) PRESERVATION OF LAW ENFORCEMENT AND INTELLIGENCE FUNCTIONS.—Nothing in subsection (c) or (d) of this section shall affect any immunity from suit or legal process of an international organization providing commercial communications services, or the privatized affiliates or successors thereof, for acts or omissions—

(1) under chapters 119, 121, 206, or 601 of title 18, United States Code, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 514 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 884), or Rules 104, 501, or 608 of the Federal Rules of Evidence;

(2) under similar State laws providing protection to service providers cooperating with law enforcement agencies pursuant to State electronic surveillance or evidence laws, rules, regulations, or procedures; or

(3) pursuant to a court order.

(f) RULES OF CONSTRUCTION.—

(1) NEGOTIATIONS.—Nothing in this section shall affect the President's existing constitutional authority regarding the time, scope, and objectives of international negotiations.

(2) PRIVATIZATION.—Nothing in this section shall be construed as legislative authorization for the privatization of INTELSAT or Inmarsat, nor to increase the President's authority with respect to negotiations concerning such privatization.

SEC. 6. ENFORCEMENT AND MONITORING.

(a) REPORTS REQUIRED.—Not later than July 1 of 1999 and each of the 5 succeeding years, the Secretary of Commerce shall submit to the House of Representatives and the Senate a report that contains the following information with respect to implementation of the Convention:

(1) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification by such countries, and the entry into force for each such country.

(2) DOMESTIC LEGISLATION.—A description of domestic laws enacted by each party to the Convention that implement commitments under the Convention, and assessment of the compatibility of such laws with the Convention.

(3) ENFORCEMENT.—As assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention and achieve its object and purpose including—

(A) an assessment of the enforcement of the domestic laws described in paragraph (2);

(B) an assessment of the efforts by each such party to promote public awareness of such domestic laws and the achievement of such object and purpose; and

(C) an assessment of the effectiveness, transparency, and viability of the monitoring process for the Convention, including its inclusion of input from the private sector and non-governmental organizations.

(4) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each party to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes.

(5) NEW SIGNATORIES.—A description of efforts to expand international participation in the Convention by adding new signatories to the Convention and by assuring that all countries which are or become members of the Organization for Economic Cooperation and Development are also parties to the Convention.

(6) SUBSEQUENT EFFORTS.—An assessment of the status of efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

(7) ADVANTAGES.—Advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by the organizations described in section 5(a), the reason for such advantages, and an assessment of progress toward fulfilling the policy described in that section.

(8) BRIBERY AND TRANSPARENCY.—An assessment of anti-bribery programs and transparency with respect to each of the international organizations covered by this Act.

(9) PRIVATE SECTOR REVIEW.—A description of the steps taken to ensure full involvement of United States private sector participants and representatives of nongovernmental organizations in the monitoring and implementation of the Convention.

(10) ADDITIONAL INFORMATION.—In consultation with the private sector participants and representatives of nongovernmental organizations described in paragraph (9), a list of additional means for enlarging the scope of the Convention and otherwise increasing its effectiveness. Such additional means shall include, but not be limited to, improved recordkeeping provisions and the desirability of expanding the applicability of the Convention to additional individuals and organizations and the impact on United States business of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(b) DEFINITION.—For purposes of this section, the term "Convention" means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on November 21, 1997, and signed on December 17, 1997, by the United States and 32 other nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. We have before us today an important piece of legislation that is good policy, good for business, good for workers all at the same time.

I would like to thank the gentleman from Ohio (Mr. OXLEY) in particular for cosponsoring this important legislation with me and for moving it through the committee last month by voice vote. This is another example of his leadership on international issues.

I would also like to thank the gentleman from Michigan (Mr. DINGELL) for his input on this legislation. His input has helped to make a good bill even better.

I would like to thank as well the ranking minority member on the subcommittee, the gentleman from New York (Mr. MANTON) for his cosponsorship and assistance in moving this bill forward and for his fine service on our committee.

Finally, I wish to thank the gentleman from Massachusetts (Mr. MARKEY), who was the first cosponsor joining the gentleman from Ohio (Mr. OXLEY) and myself in moving this bill forward.

Our legislation is designed to create a level playing field for Americans. This bill helps bring about a more equitable and transparent business environment while reducing both foreign bribery and unfair privileges and immunities.

The International Anti-Bribery and Fair Competition Act of 1998 contains the changes to our domestic laws necessary to implement the OECD convention on combating bribery of foreign public officials. The United States has one of the world's strictest anti-bribery laws called the Foreign Corrupt Practices Act, or FCPA. American business believes this law puts them at a disadvantage since most of our trading partners do not have similarly strong laws against bribery of foreign officials. Some of our competitors have even made bribery tax-deductible.

I believe contracts should go to the best competitor, not the biggest briber. Our workers and companies are the most competitive and productive in the world and thus have the most to gain from fair and open competition. Our bill seeks to help develop a fairer, more open business environment worldwide.

The convention has no binding mechanism to make other nations actually adopt their own anti-bribery laws in accordance with its requirements. To help address this potential problem, the gentleman from Ohio (Mr. OXLEY) and myself have added a reporting requirement to the legislation. The gentleman from Massachusetts (Mr. MARKEY) made some additions to this provision which enhanced its scope and depth, and for that I thank him very much. I would also like to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. Gilman), for his additions to this section.

Our bill will require the administration to report annually beginning on July 1 of next year on other countries' enforcement implementation measures. This will give us the information we need to determine whether other nations are living up to their end of the agreement and will put pressure on them to do so.

The gentleman from Ohio (Mr. OXLEY) and myself also added a section which helps level the playing field with respect to the intergovernmental satellite organizations, INTELSAT and Inmarsat. Bribery of officials in these organizations should not escape from the coverage of the FCPA through an anticompetitive privatization. The beneficiaries will not only be competing private American satellite companies and their workers, but also consumers who will see the lower prices that increased competition brings.

I urge Members to support our bill, send it to the Senate with a big margin of support.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to turn control over the balance of the time to the gentleman from Ohio (Mr. OXLEY), chairman of the subcommittee.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4353, the International Anti-Bribery and Fair Competition Act of 1998. I want to begin by thanking the gentleman from Ohio (Mr. OXLEY) of the subcommittee who handled this bill magnificently along with the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who, in an evenhanded way, working with the gentleman from Michigan (Mr. DINGELL) and myself and the ranking member of the subcommittee, the gentleman from New York (Mr. MANTON) over the last several months has helped to craft, I think, a very important forward-looking piece of legislation, and I am very proud to have been a cosponsor with them on this bill.

Back in the 1970s there were a series of widely reported scandals and investigations by the Securities and Exchange Commission into bribes and other illicit payments to foreign officials and illegal domestic political contributions by American corporations. Hundreds of United States corporations were found to have made such payments to foreign government officials including more than 25 percent of our Fortune 500 companies. Clearly the widespread corrupt practices that were taking place during this period were fundamentally inconsistent with the principles of free and fair markets and, I believe, ultimately harmful to the interests of the United States because they damage the interests of shareholders of these United States companies.

In response to these practices, Congress enacted the Federal Corrupt Practices Act to establish an explicit bar against bribing foreign government officials and creating requirements for accurate books and records and devising and maintaining a system of internal accounting controls. When Congress enacted this legislation, it was hoped that by taking the lead to curb bribery by our corporations, America would put pressure on other developed and developing industrialized nations to adopt similar laws inside their own countries.

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Today, this Congress, pursuant to the leadership of the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BLILEY) is taking up legislation which is the fruit of our earlier legislative efforts in the original Foreign Corrupt Practices Act and in the 1988 amendments to this Act to put pressure on foreign governments to adopt strong laws against bribing foreign government officials.

After many years of difficult negotiations, the United States succeeded last year in securing the agreement of 33 countries, including almost all of the OECD States and several other nations, to a Convention which is closely modeled after the Foreign Corrupt Practices Act.

In order to implement the terms of the Convention, H.R. 4353 strengthens U.S. law by extending its coverage to cover foreign persons and corporations, bribes paid to officials of international

organizations, and clarifying that the law's prohibitions should be construed to cover any payments made to secure any improper advantage.

This is the right formula for the future of the world. We have to add more integrity to the global marketplace. Consumers and investors across the planet have to know that, wherever business is being done, it is being done by a set of rules. That is agreed by every single industrialized nation so that all are given full protection.

I want to congratulate again the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BLILEY). They worked closely with the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. MANTON), and I. We are proud to be cosponsors of this seminal piece of legislation.

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

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

Mr. Speaker, I rise in strong support of this legislation, the International Anti-Bribery and Fair Competition Act of 1998.

Bribery distorts the free market system and provides unfair advantages. It does so at the expense of those unwilling or unable to use similar tactics. Those companies or governments that participate in bribery take away an opportunity from someone willing or required to play by the rules. But what happens when there are no rules or the existing laws are murky or poorly enforced? In such an environment, bribery is allowed to flourish.

The United States, our Anti-Bribery law is the Foreign Corrupt Practices Act, also known as the FCPA, one of the strongest anti-bribery laws worldwide. Unfortunately, many foreign nations do not have similar laws as we do in the United States or certainly enforce them. As a result, American companies and American workers suffer a significant competitive disadvantage. They are bound by the provisions of the FCPA while others are not. H.R. 4353 will help rectify this serious problem.

As a matter of fact, there has been evidence that American corporations lose upwards to $30 billion per year against unfair competition where foreign countries, companies bribe the public officials and in many cases actually have those bribes deducted from their tax liability.

This implements the recently completed OECD Convention on Combating Bribery of Foreign Officials in International Business Transactions. Concluded last December, this Convention will go a long way to raising the bar regarding anti-bribery legislation.

The first step that must be done to make the Convention a success is bring the Parties into compliance with the Convention. This bill makes the necessary changes to the FCPA to bring the U.S. into compliance. We will be the first country to do so. These changes are small, but they are significant and very important.

The administration has made a case that the U.S. must take a strong lead in implementing the Convention, and we do that today.

Moreover, H.R. 4353 contains strong reporting requirements which we added to the bill in order to help ensure other nations are implementing and enforcing their commitments under the Convention. For that, I thank my good friend, the gentleman from Massachusetts (Mr. MARKEY) for his vigilance and hard work for providing those reporting requirements. We plan to be vigilant to ensure the next steps, international compliance and enforcement, are completed.

This bill will also reduce and eliminate unfair privileges and immunities of the intergovernmental satellite organizations, INTELSAT and Inmarsat, and makes it quite clear that these organizations are covered under the anti-bribery Convention as well as the statute. Doing so will help bring us closer to the point where no satellite competitor is above the law.

It is clear that the American business groups support this bill. They want to compete on a level ground with their international counterparts. Furthermore, the bill has been enforced by the American business community, including the Business Roundtable, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, Transparency International, and the United States Council for International Business.

Let me say, Mr. Speaker, that without the hard work of the Commerce Department, Secretary Daley, we also would not be here today, and we want to thank them for their fine efforts.

The Senate has already passed a similar version of this bill. I am hopeful that the other body will quickly approve the improvements we made to the bill so we can quickly send this legislation to the President for his signature.

Let me finally take this opportunity to thank the gentleman from Virginia (Chairman BLILEY) for steering this important initiative forward. I, too, want to thank the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the full committee, the gentleman from New York (Mr. MANTON), the ranking minority member on my subcommittee, who is retiring this year, and also of course our good friend the gentleman from Massachusetts (Mr. MARKEY) for his work in this effort.

During the committee process, we worked with interested parties, including the administration, to approve specific language of the bill. The bill H.R. 4353 passed in the Committee on Commerce with no opposition. The bill before us today has brought bipartisan support and deserves the support of the entire House.

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

Mr. MARKEY. Mr. Speaker, we have no other requests for time on this side of the aisle.

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

Mr. OXLEY. Mr. Speaker, I know we have no further speakers on this side.

Mr. Speaker, we too, yield back the balance of our time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 4353, 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.

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2375

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 "International Anti-Bribery Act of 1998".

SEC. 2. AMENDMENTS RELATING TO ISSUERS OF SECURITIES.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official in his official capacity;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or";

(2) in paragraph (2)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation

of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or"; and

(3) in paragraph (3)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) The term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).'"; and

(2) in paragraph (3)(A)(v), by inserting before the period "to those referred to in clauses (i) through (iv)".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) is amended—

(1) by redesignating subsection (f) as subsection (g);

(2) by inserting after subsection (e) the following:

"(f) ALTERNATIVE JURISDICTION.—

"(1) IN GENERAL.—It shall be unlawful for an issuer, or for any United States person that is an officer, director, employee, or agent of such issuer or any stockholder thereof, acting on behalf of that issuer, to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that issuer (or that officer, director, employee, agent, or stockholder) makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

"(2) APPLICABILITY.—This subsection applies only to an issuer that—

"(A) is organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof; and

"(B) has a class of securities registered pursuant to section 12 or that is required to file reports under section 15(d).

"(3) UNITED STATES PERSON.—In this subsection, the term 'United States person' means—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(3) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (f)"; and

(4) in subsection (c), by striking "subsection (a)" and inserting "subsections (a) and (f)".

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) by striking "section 30A(a) of this title" each place that term appears and inserting "subsection (a) or (f) of section 30A"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or director" and inserting ", director, employee, or agent";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

SEC. 3. AMENDMENTS RELATING TO DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(a)) is amended—

(1) in paragraph (1)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official in his official capacity;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or";

(2) in paragraph (2)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or"; and

(3) in paragraph (3)—

(A) by striking "(B)" and inserting "(D)"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government, department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been so designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).'"; and

(2) in paragraph (4)(A)(v), by inserting before the period "to those referred to in clauses (i) through (iv)".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE OF THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following:

"(h) ALTERNATIVE JURISDICTION.—

"(1) IN GENERAL.—It shall be unlawful for a United States person to corruptly do any act outside of the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of any thing of value to any of the persons or entities referred to in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, whether or not that United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of the offer, gift, payment, promise, or authorization.

"(2) DEFINITION.—In this subsection, the term 'United States person' means—

"(A) a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(3) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (h)";

(4) in subsection (c), by striking "subsection (a)" and inserting "subsections (a) and (h)"; and

(5) in subsection (d), by striking "subsection (a) of this section" and inserting "subsection (a) or (h)".

(d) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(g)) is amended—

(1) by striking "subsection (a)" each place that term appears and inserting "subsection (a) or (h)";

(2) in paragraph (1), by inserting "that is not a natural person" after "domestic concern" each place that term appears; and

(3) in paragraph (2)—

(A) by striking "Any officer" each place that term appears and inserting "Any natural person that is an officer";

(B) in subparagraph (A), by striking "or director" and inserting ", director, employee, or agent";

(C) by striking subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B).

(e) TECHNICAL AMENDMENT.—Section 104(i)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2(h)(4)(A)), as redesignated by subsection (c) of this section,

is amended by striking "For purposes of paragraph (1), the" and inserting "The".

SEC. 4. AMENDMENT RELATING TO OTHER PERSONS.

The Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd et seq.) is amended by inserting after section 104 the following new section:

"SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

"(a) PROHIBITED CONDUCT.—It shall be unlawful for any covered person, or for any officer, director, employee, or agent of such covered person or any stockholder thereof, acting on behalf of such covered person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

"(1) any foreign official for purposes of—

"(A) influencing any act or decision of such foreign official in the official capacity of the foreign official;

"(B) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official;

"(C) securing any improper advantage; or

"(D) inducing such foreign official to use the influence of that official with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person;

"(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

"(A) influencing any act or decision of such party, official, or candidate in its or his official capacity;

"(B) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate;

"(C) securing any improper advantage; or

"(D) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person; or

"(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

"(A) influencing any act or decision of such foreign official, political party, party official, or candidate in its or his official capacity;

"(B) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate;

"(C) securing any improper advantage; or

"(D) inducing such foreign official, political party, party official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such covered person in obtaining or retaining business for or with, or directing business to, any person.

"(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official, the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) that—

"(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the country of the foreign official, political party, party official, or candidate; or

"(2) the payment, gift, offer, or promise of anything of value that was made was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate, and was directly related to—

"(A) the promotion, demonstration, or explanation of products or services; or

"(B) the execution or performance of a contract with a foreign government or agency thereof.

"(d) INJUNCTIVE RELIEF.—

"(1) IN GENERAL.—When it appears to the Attorney General that any covered person, or officer, director, employee, agent, or stockholder of a covered person, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a), the Attorney General may, in the discretion of the Attorney General, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

"(2) CIVIL INVESTIGATIONS.—For the purpose of any civil investigation that, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General, or a designee thereof, may administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents that the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) SUBPOENAS.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or in which such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General, or a designee thereof, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(4) PROCESS.—All process in any action referred to in this subsection may be served in the judicial district in which such person resides or may be found.

"(5) RULES.—The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement this subsection.

"(e) PENALTIES.—

"(1) JURIDICAL PERSONS.—Any covered person that is a juridical person that violates subsection (a)—

"(A) shall be fined not more than $2,000,000; and

"(B) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

"(2) NATURAL PERSON.—Any covered person who is a natural person and who—

"(A) willfully violates subsection (a) shall be fined not more than $100,000, or imprisoned not more than 5 years, or both;

"(B) violates subsection (a) shall be subject to a civil penalty of not more than $10,000, imposed in an action brought by the Attorney General.

"(3) PAYMENT OF FINES.—Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a covered person, such fine may not be paid, directly or indirectly, by that covered person.

"(f) APPLICABILITY; OTHER LAWS.—This section does not apply—

"(1) to any issuer of securities to which section 30A of the Securities Exchange Act of 1934 applies; or

"(2) to any domestic concern to which section 104 of this Act applies.

"(g) DEFINITIONS.—For purposes of this section—

"(1) the term—

"(A) 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization; and

"(B) 'public international organization' means an organization that has been designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

"(2) the state of mind of a covered person is 'knowing' with respect to conduct, a circumstance, or a result if—

"(A) such covered person is aware that such covered person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(B) such covered person has a firm belief that such circumstance exists or that such result is substantially certain to occur;

"(3) if knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a covered person is aware of a high probability of the existence of such circumstance, unless the covered person actually believes that such circumstance does not exist;

"(4) the term 'covered person' means—

"(A) any natural person, other than a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act); and

"(B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the law of a foreign nation or a political subdivision thereof; and

"(5) the term 'routine governmental action'—

"(A) means only an action that is ordinarily and commonly performed by a foreign official—

"(i) in obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

"(ii) in processing governmental papers, such as visas and work orders;

"(iii) in providing police protection, mail pickup and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

"(iv) in providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

"(v) in actions of a similar nature to those referred to in clauses (i) through (iv); and

"(B) does not include any decision by a foreign official regarding whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decisionmaking process to encourage a decision to award new business to or continue business with a particular party.".

MOTION OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OXLEY moves to strike out all after the enacting clause of S. 2375 and insert in lieu thereof the text of H.R. 4353 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill, (H.R. 4353) was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2375.

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

There was no objection.

RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 212) recognizing suicide as a national problem, and for other purposes.

The Clerk read as follows:

H. RES. 212

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas the suicide rate is rising among African American young men;

Whereas the suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Res. 212.

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

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to address the House resolution that deals with recognizing suicide as a national problem. When I am back in my district, I spend a tremendous amount of time in our country's schools. It is very interesting to watch the children in elementary and middle and high school these days, as they talk about the problems that they hear their parents talk about around the dinner table, not the ones that influence us on the nightly news but the ones that truly affect their quality of life.

I cannot imagine a school child without hope, but, believe me, in our world today there are many children that go to bed at night without that hope. This is a reason that I cosponsored House Resolution 212 introduced by Mr. LEWIS, my colleague from Georgia.

I received a letter recently from a student in my district, and I want to share part of that letter with my colleagues here today. Her letter said:

This letter concerns my opinion on teen suicide. There are more and more teen suicides, and it is becoming more and more popular. I think that teen suicide could be prevented. There could be classes that teens could take, not for a grade, but for them to build their self-esteem. If they do not feel badly about themselves, they will not have a reason to kill themselves.

Let me read my colleagues some statistics. According to the Centers for Disease Control, despite a decrease in the number of overall deaths of children age 5 through 14 from 1980 to 1998, death itself due to suicide in that age group doubled. While the overall number of deaths age 15 to 24 also dropped during the same period, suicide increased 3 percentage points.

Mr. Speaker, any death leaves a hole in a family. A suicide not only leaves a hole, but many painful unanswered questions. It is my hope that by passage of House Resolution 212, fewer families will have to live with the pain, and more individuals will receive the help they desperately need.

House Resolution 212 states that, one, Congress recognizes suicide as a national problem and wants suicide prevention to be a national priority. Two, no single suicide prevention program or effort will be appropriate for all populations and/or communities.

So while a self-esteem class may be what is right for children in the Fifth District of North Carolina, House Resolution 212 says that Congress needs to promote a variety of types of intervention and treatment programs so that there is one suitable for every community in this country and their needs.

Suicide prevention is an inexact science. It takes the efforts of all areas of society, teenagers, teachers, families, health care providers and, yes, even Congress.

House Resolution 212 specifically encourages initiatives to, one, prevent suicide; two, respond to people at risk for suicide and people who have attempted suicide; three, promote safe and effective treatment for persons at risk for suicidal behavior; four, support people who have lost someone to suicide; and, five, develop an effective national strategy for the prevention of suicide.

I think this is an excellent resolution, and I would urge my colleagues to support it.

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

Mr. BROWN of Ohio. Mr. Speaker, I rise in support of House Resolution 212.

Mr. Speaker, I ask unanimous consent that the gentleman from Georgia (MR. LEWIS) be allowed to control the time for our side.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join my colleagues in bringing to the floor today a resolution that addresses a common but often unrecognized problem, suicide. This resolution recognizes suicide as a national problem and declares suicide prevention to be a national priority.

While no single prevention program would be appropriate for all populations and communities, the point of this resolution is to create a climate for suicide prevention, to recognize as a Nation that we must become aware of the problem, that we are to address it and eventually solve it.

□ 1615

We must not remain quiet or silent on problems that cause us pain. Instead, we must bring the problems out from under the rug into the light where we can deal with them. If we begin to do that as a Nation, it is my hope that we will encourage individuals and communities nationwide to do the same.

I am pleased that more than 92 of my colleagues are joining me in this effort by becoming original cosponsors of this resolution. I want to thank my good friend from North Carolina (Mr. Burr) for managing the bill on the other side.

Suicide touches hundreds of American families every year. An estimated 750,000 people attempt suicide each year. Suicide claims the lives of more than 31,000 people annually, more than homicide. Suicide is the ninth leading cause of all deaths in the United States, and the third for young people age 15 to 24. It is on the rise for young people in general and for African-American young men in particular.

Only by talking about mental illness and encouraging treatment can we begin to address the painful issue that leads to suicide. We must tell our friends and our loved ones that it is okay to talk about feelings of despair, depression and hopelessness and suicide. For those who have the courage to get help, to seek treatment, we must support them, and we must talk about suicide so that we can try to understand it and prevent it.

Too much shame surrounds feelings of depression and suicide. We can change that and we must, by reaching out to others in our communities. The Senate has already passed a similar resolution on suicide recognition and prevention. I urge all of my colleagues in the House to join me and many others, Republicans and Democrats, from all parts of the Nation in our pledge to work together towards suicide prevention, awareness and treatment. Please join us in supporting House Resolution 212, a resolution recognizing suicide as a national problem.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LEWIS) for his outstanding leadership on this issue. I thank my colleagues on the other side of the aisle as well, the 92 cosponsors, of which I am one, to finally acknowledge that suicide strikes at so many Americans. It is a silent killer almost, because so many Americans and so many American families suffer in silence.

This resolution will help us establish the criteria and the focus on this devastating, devastating occurrence in our families. It results in, of course, the enormous loss of life, the loss of talented individuals, and it is now time that we say to those families and even say to those who, in moments have thought about suicide, and maybe have not acted upon it, that they are not alone, and that we can find ways to stem the tide of this devastation.

I want to simply say to the gentleman, I join him in reemphasizing that everyone counts in America, everyone counts. No one should believe that they are not counted or not in, or not important. Suicide sometimes comes about because people believe they are alone, that they can turn to no one. So many of us have experienced the tragedies of suicide, and frankly, I want to tell my colleagues the most devastating suicide occurrences are those among our children. I hate to say that my young 13-year-old son experienced that while he was in the 6th grade with one of his classmates. What a tragedy, one that leaves us speechless.

So I want to applaud the gentleman from Georgia (Mr. LEWIS), for bringing this to the Nation's attention and calling upon this Congress to stand up and be counted, acknowledging how important all persons are, and that those who may be contemplating and those families who have experienced this, they are not alone. We are here to now answer the question of how we can prevent this terrible devastation.

Mr. Speaker, I strongly endorse this measure. Suicide affects people of all ages, races, and gender. It is high time that we recognize this dire problem that plagues the citizens of our Nation. Suicide is the ninth leading cause of death in our country. Worse yet, suicide is the third leading cause of death for young persons ages 15 through 24. Everyday, six children commit suicide, and by the end of the year, this blight will claim over 31,000 lives.

These statistics are intolerable. And the situation worsens each day. Suicide is on the rise among young people, especially among young African-American men.

In addition to the thousands lost each year to suicide, over 750,000 citizens attempt suicide each year. Even when these attempts fail, families are adversely impacted.

The thought of the 200,000 family members who must grieve and mourn suicide deaths each year saddens my soul. I find it even more sobering that a population of over 4,000,000 such mourners currently exists in America.

Most of these suicides and suicide attempts are preventable. The stigma of mental illness, however, prevents our citizens from seeking lifesaving help. This stigma spreads to the family members as well, and these family members are inhibited from regaining meaningful lives.

We must provide suicide prevention opportunities to the public. Clinical research has improved mental disorder treatments. Help is available, and we can provide it.

It is imperative that we respond to this epidemic.

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

Mr. BURR of North Carolina. Mr. Speaker, I also commend the gentleman from Georgia (Mr. LEWIS) for his foresight with this issue. Many times teen suicide and child suicide goes with many unanswered questions. I urge my colleagues to support this resolution.

Mr. PACKARD. Mr. Speaker, I rise today in support of H. Res. 212, which recognizes suicide as a national problem. I would like to commend JOHN LEWIS for his leadership in introducing this legislation. DAVID SKAGGS and I also introduced H. Res. 548, which recognizes that the prevention of youth suicide is a compelling national priority.

While I has home in my district, I was contacted by a constituent of mine, Lisa Dove, the mother of Justin Dove who tragically committed suicide at age 16. Justin was a well liked child who lived with clinical depression and Attention Deficit Disorder. Despite several years of medical psychological treatments and antidepressant medications, Justin decided to take his own life. I will submit her letters for the RECORD for my colleagues to read.

The Light For Life Foundation recognized September 20–26, 1998 as Yellow Ribbon Youth Suicide Awareness and Prevention Week. There is a need to increase awareness about youth suicide and make it a national priority and I urge my colleagues to support H.

Res. 212 to encourage committees nationwide to increase awareness about and prevent suicide.

I would also like to recognize the Light For Life Foundation of America and their founders, the Emme family, who tragically lost their teenage son, Michael to suicide in 1994. It was through the vision of the Emme family that the Yellow Ribbon Program, which is now responsible for saving over 1000 teenage lives since its inception, has become a reality.

Mr. Speaker, I urge the adoption of H. Res. 212.

MISSION VIEJO, CA,
August 19, 1998.

Congressman RON PACKARD,
Fairfax, VA.

DEAR BROTHER PACKARD: I write to you first as your role of a father and a friend of my family's and second, as a Congressman of the United States. I write in hopes of your understanding and support in a very real and tragic problem facing the youth in our country.

My parents are Val and Diane Mortensen from Carlsbad. I am their second daughter, Lisa, and I grew up with many of your children as well as your nieces and nephews in Carlsbad, California Stake.

Recently, our family suffered an incredibly painful loss. Our oldest child, Justin, three weeks before his sixteenth birthday, went to a park near our home and shot himself in the head. He suffered brain death shortly afterward, and we lost him that night, May 4, 1998.

Justin was a sweet natured, polite, kind-hearted, and well liked youth, who lived with clinical depression and ADD (Attention Deficit Disorder). Despite several years of medical and psychological treatments and antidepressant medications, it seemed the pain won out, and Justin decided to take his own life; I'm sure in hopes of relief.

As a parent you can imagine the pain, guilt, questions, and terrible sense of loss we are living with day to day. It is an agonizing and heart-breaking experience that will affect the rest of our lives. Almost more terrible than the act itself, is the extreme inner pain and loneliness that I felt in the moments preceding his death. As the Savior, he was alone in his extreme pain, and I, the parent could not staunch it. It is so incredibly sad!

Almost immediately after Justin's death I knew in my heart of hearts that I would somehow and in some way devote my time to increase awareness of depression and also teenage suicide. This is my first attempt to help. This is how you can help.

There is an existing foundation called the Light for Life Foundation of America, based in Westminster, Colorado. They have a Yellow Ribbon program that has been effective in the prevention and awareness of suicide.

Youth suicide is the "fastest growing killer of youth today" according to federal officials and we need your interest and support to help stop this epidemic. Statistics show that 95% of all suicides are preventable with proper prevention and awareness. Even though the rates are increasing every year, there are programs that are working and one of the most effective is the Yellow Ribbon Program of the Light For Life Foundation of America.

Started in September 1994 with the suicide of 17-year-old Michael Emme, the program has spread across all 50 states and many foreign countries and is already credited officially with SAVING MORE THAN 1,000 LIVES as of September 1997, and the numbers are growing. Youth and adults all over this country are starting the programs in their schools, churches, and communities and are helping to form a network of caring, willing people who realize that not only does it take a "village to raise a child, but it takes a village to SAVE a child" and they are saving precious lives.

This letter is a request for recognition of a "Yellow Ribbon Youth Suicide Awareness and Prevention Week" to be designated on 20–26 September, 1998.

Will you designate, or ask your agency, to proclaim this week officially and to contact the Light For Life Foundation of America for more information on how you personally and officially can help save lives? This proclamation is being designated throughout the United States and Canada already. Never before has the opportunity to do something so simple been so effective. Simply knowing that it is okay to ask for help and that people are willing to listen has been credited with many saved lives.

Brother Packard, thank you for your precious time—in reading this letter and hopefully in supporting my request for an official suicide prevention week in your jurisdiction.

Enclosed please find the Yellow Ribbon Card that was made in Justin's memory, and of which 450+ were distributed at his memorial service. Also, a recent photograph of Justin and a small verse I wrote about him the day following his death.

Please contact the Light For Life Foundation of America and tell them, of your intent to proclaim September 20–26, 1998 "Yellow Ribbon Youth Suicide Awareness and Prevention Week". (See addresses below.)

Further, if you need to speak with me, or if I can in some way be of support to any family in a similar situation, please call me at (949) 472–8363.

How wonderful to possess the truth of the gospel in these Latter-days and enjoy the knowledge and blessings of eternal families. To know that Justin is in the arms of our Savior's love is the sustaining hope that lifts our hearts.

Most Sincerely,

LISA M. DOVE.

Mr. BLILEY. Mr. Speaker, I rise today to urge support for House Resolution 212.

This issue is important to every family with children and to every family that has suffered the loss of a loved one through suicide.

This resolution recognizes that suicide is a national problem. And it encourages that the nation undertake suicide prevention efforts.

Mr. Speaker, it is estimated that 750,000 people attempt suicide each year. These attempts are traumatic not only for the individual but also for family and friends who surround him or her.

Just as tragic, more than 31,000 lives annually are lost to suicide. It may be hard to believe, but that is even more than homicide.

In fact, suicide is the ninth leading cause of all death in the U.S. It is the third leading cause of death for young people. And it is on the rise.

I hope that this resolution will help focus attention on this tragedy—and will lead to action in our homes and our communities to save young and old lives alike from suicide.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and agree to the resolution, H. Res. 212.

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4567

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4567, as my name was placed on this legislation without my knowledge or consent.

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

There was no objection.

ESTABLISHING DESIGNATIONS FOR UNITED STATES POSTAL SERVICE BUILDINGS

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4052) to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida, as amended.

The Clerk read as follows:

H.R. 4052

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

SECTION 1. WILLIAM R. "BILLY" ROLLE POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 3191 Grand Avenue in Coconut Grove, Florida, shall be known and designated as the "William R. 'Billy' Rolle 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 "William R. 'Billy' Rolle Post Office Building".

SEC. 2. HELEN MILLER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 550 Fisherman Street in Opa Locka, Florida, shall be known and designated as the "Helen Miller 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 "Helen Miller Post Office Building".

SEC. 3. ESSIE SILVA POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 18690 N.W. 37th Avenue in Carol City, Florida, shall be known and designated as the "Essie Silva 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 "Essie Silva Post Office Building".

SEC. 4. ATHALIE RANGE POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 500 North West

2d Avenue in Miami, Florida, shall be known and designated as the "Athalie Range 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 "Athalie Range Post Office Building".

SEC. 5. GARTH REEVES, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 995 North West 119th Street in Miami, Florida, shall be known and designated as the "Garth Reeves, Sr. 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 "Garth Reeves, Sr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) 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. 4052 as introduced by our distinguished colleague, the gentlewoman from Florida (Mrs. MEEK), the legislation was introduced on June 11 of 1998, and all members of the Florida delegation are original cosponsors of this legislation, as required under the committee rules.

The bill establishes designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City and Miami, Florida.

Section 1 designates the United States Postal Service building located at 3191 Grand Avenue in Coconut Grove, Florida, to be known as the William R. "Billy" Rolle Post Office Building.

Section 2 designates the facility at 550 Fisherman Street in Opa Locka, Florida, to be known as the Helen Miller Post Office Building.

Section 3 designates the United States Post Office building located at 18690 Northwest 37th Avenue in Carol City, Florida, be known as the Esse Silva Post Office Building.

Section 4 designates the United States Postal Service building at 500 Northwest Second Avenue in Miami, Florida, be known as the Athalie Range Post Office Building, while section 5 designates the facility at 995 Northwest 119th Street, Miami, Florida be known as the Garth Reeves, Sr., Post Office Building.

Mr. Speaker, I would say that in keeping with the tradition of the Subcommittee on Postal Service, the gentlewoman from Florida (Mrs. MEEK) has taken yet another step in advancing five very distinguished Americans who distinguish themselves and their communities for their hard work.

This is a bit of an unusual approach to have five designations in a single bill, but I think it is a testament to the frugality and the wisdom of the gentlewoman from Florida (Mrs. MEEK), a former member of the Subcommittee on Postal Service, a very valuable member and a lady who we miss dearly, but we know continues to be interested in these.

I recognize that the gentlewoman has much to say about each one of these individuals. I would only note that having reviewed the record of each one of these fine designees, I could not more highly recommend them for these designations.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, and I want to thank the gentleman from New York (Mr. MCHUGH), under whom I served on the Subcommittee on Postal Service, for his guidance and leadership in understanding the postal system.

It is a very, very organized system and having worked on that committee was of tremendous help to me, and also now to have the gentleman from Pennsylvania (Mr. FATTAH), who is the ranking member of that committee, to provide guidance.

I want to thank all of those people who made it possible that we could recognize these citizens that are being recognized today in the naming of Postal Service buildings, and that many of them are unsung in terms of the large frame of this country.

I want to say to the Congress that these members are people in the community and in Florida who have blazed a trail for others to follow. Also, I want to thank the members of the Florida delegation. They unanimously supported these five post offices being designated to these outstanding citizens.

They are distinguished and, as I said, they may not be nationally known, but they are local heroes in our community, Mr. Speaker. There are post offices in this country named after certain luminaries such as John Kennedy, Dr. Martin Luther King and others, but I want to assure you that everyone in South Florida and many people in the Nation will recognize and be aware of the credentials of these five persons.

First is Billy Rolle. He is deceased. The post office that has been dedicated to him is one that is in the neighborhood where he lived. He spent 35 years teaching and coaching, not the regular youngsters, but the out-of-school youth, many of the people that other trainers and coaches may not have noticed after school, but Billy Rolle noticed them. He also taught them band, how to have their own band, how to have their own track team.

He served as an administrator in the Dade County school system for many, many years. He organized the First Annual Goombay Festival in Miami, and that festival now is known throughout the State of Florida and in the Nation for many who come to visit.

Next, the Athalie Range Post Office. She served so many years in the local Parent-Teachers Association there in Miami. She was the first African American woman to be elected and serve on the city commission in Miami, Florida.

She served as the first African American woman to serve in the cabinet in the State of Florida. She has been the recipient of so many awards, Mr. Speaker. I would say to the gentleman from New York (Mr. MCHUGH) and the rest of my colleagues, I cannot enumerate the number of awards. She has dedicated herself to her community.

The next post office is to be named after Garth S. Reeves. He is a current publisher and owner of the Miami Times. This was a newspaper founded by his father in 1923. He has dedicated himself to the achievement of excellence. Just the name Reeves in the State of Florida and in the newspaper publishing establishment throughout this country is well-known.

He sits on trustee boards of three colleges located in Florida, and he has a scholarship set up in his name that provides support for the education of aspiring journalists, an outstanding example in his own name.

Esse D. Silva, the next post office, she chaired the Governmental Affairs Committee for the Miami Dade Chamber; caused many local businesspeople to be able to establish businesses and to get working capital for the businesses they established.

□ 1630

She has lobbied for black businesses throughout this country and trying to build them, knowing that they provide jobs for the people who live in the inner cities of this country. She started the SunStreet Festival in Miami, Florida, to bring better businesses, and to bring certainly more admiration for the businesses on 7th Avenue, Esse D. Silva.

Helen Miller, the next post office. She became the first African American female elected to be the mayor of Opa Locka, Florida. She was the first one in Dade County to be recognized. She served on nearly 40 different nonprofit community organizations. Commissioner Miller was a motivator whose many years of political activism and political work made her the elder stateswoman of the Opa Locka and Miami-Dade political community.

I am happy, Mr. Speaker, that I am allowed, through the committee of the gentleman from New York (Mr. MCHUGH) to bring the eyes of the Congress and the eyes of this country to these people. I urge my colleagues to vote for these outstanding heroes from Dade County, Florida. To have their names emboldened on the post office would mean a lot, not only to them but to their families who come after them.

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.

The gentlewoman from Florida (Mrs. MEEK), as I knew very well she would, highlighted the many admirable achievements of these individuals from Florida. As she so eloquently stated, I would say in closing, in deriving from her experience on the committee, while often post offices or Postal Service buildings are named for individuals known to us all, for me as chairman the very special time is the opportunity that this provides us to recognize, as she put it so well, heroes in their local communities. We have at this moment five just such individuals. I would urge all colleagues to support this bill.

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 New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4052, 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.

JUSTICE JOHN McKINLEY FEDERAL BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1298) to designate a Federal building located in Florence, Alabama, as the "Justice John McKinley Federal Building".

The Clerk read as follows:

S. 1298

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

SECTION 1. DESIGNATION OF JUSTICE JOHN MCKINLEY FEDERAL BUILDING.

The Federal building located at 210 North Seminary Street in Florence, Alabama, shall be known and designated as the "Justice John McKinley Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Justice John McKinley Federal Building".

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) 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 this measure.

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, S. 1298 was introduced by Senator SHELBY on October 20, 1997, and the bill passed the Senate without amendment by unanimous consent on June 2 of this year, and a message on Senate action was sent to the House on June 3.

John McKinley was a U.S. Senator and the first United States Supreme Court Justice from the State of Alabama. A Virginian by birth, he practiced law in Kentucky. He was a self-taught lawyer. He moved to Alabama in 1818, becoming a member of the Cypress Land Company, which was then the largest single purchaser of land in north Alabama, along with a gentleman by the name of Andrew Jackson.

In 1820, Mr. McKinley was elected to the Alabama State legislature. He then proceeded to have a long, historic and extremely distinguished public career. The State legislature elected Mr. McKinley to the U.S. Senate in 1826, where he served until 1831. He was appointed to the Supreme Court by voice vote of the Senate in September of 1837.

Mr. Speaker, our colleague, the gentleman from Alabama (Mr. CRAMER), introduced a similar bill, H.R. 1804, also honoring Justice McKinley, which was cosponsored by the entire delegation from the great State of Alabama, and I want to thank him and that delegation for working with the other body, working with Senator SHELBY, and bringing us not just a deserving individual, obviously, but one who represents a great period in the history of this country, obviously a great period that continues to this day in the history of the great State of Alabama. I thank him for his efforts.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate bill 1298 introduced by Senator RICHARD SHELBY, Republican of Alabama, names a United States post office located at 210 North Seminary Street in Florence, Alabama, as the Justice John McKinley Federal Building.

Senate bill 1298 enjoys the support of a House companion bill, House Resolution 1804, sponsored by the gentleman from Alabama (Mr. ROBERT "BUD" CRAMER). Mr. McKinley served in the Alabama State Legislature, was one of the founding trustees of the University of Alabama, and served as the first United States Supreme Court Justice from Alabama.

The Alabama State congressional delegation is proud to name a post office after John McKinley.

Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Alabama (Mr. BUD CRAMER), the author of the House version.

Mr. CRAMER. Mr. Speaker, I thank my colleague, the gentlewoman from Florida, for yielding time to me.

Mr. Speaker, I want to congratulate the chairman and say that we in Alabama appreciate the attention this issue has been given here in what we hope are the last few days of this session to make sure that the House bill, H.R. 1804, is merged with S. 1298 to make sure this legislation is passed and gets to the President.

Mr. Speaker, this legislation would designate the United States Courthouse and Post Office Building in Florence, Alabama, which happens to be in my district, as the Justice John McKinley Federal Building. The chairman and ranking member have done an excellent job in making sure is that Justice John McKinley's background and legacy is well known.

In my district, this particular piece of legislation enjoys a wide range of support within the State, the Lauderdale County Bar Association, the Florence Historical Board, the Tennessee Valley Historical Society, the Alabama State Bar, and Governor Fob James, in addition to the entire Alabama delegation. We have looked forward to this day for some time; and, Mr. Speaker, designating the United States Post Office after Justice John McKinley would be an honor befitting his contribution to Alabama, and, frankly, to this country. Mr. Speaker, I urge the passage of S. 1298.

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

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

Mr. Speaker, with a closing thanks to the gentleman from Alabama (Mr. CRAMER) for his leadership on this issue, I would highly recommend all of our colleagues support us in this very meritorious renaming bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 1298.

The question was taken; and (two-thirds having voted in favor thereof),

the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

JACOB JOSEPH CHESTNUT POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4516) to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the "Jacob Joseph Chestnut Post Office Building".

The Clerk read as follows:

H.R. 4516

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

SECTION 1. DESIGNATION.

The United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, shall be known and designated as the "Jacob Joseph Chestnut Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Jacob Joseph Chestnut Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from Florida (Mrs. MEEK) 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. 4516.

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.

H.R. 4516, Mr. Speaker, was introduced by our distinguished colleague, the gentleman from Maryland (Mr. WYNN), on August 6 of this year. The legislation is cosponsored by the entire House delegation of the great State of Maryland, as is pursuant to the policy of the Committee on Government Reform and Oversight.

This bill does indeed designate the United States Postal Service Building located at 11550 Livingston Road in Oxon Hill, Maryland, as the Jacob Joseph Chestnut Post Office Building.

Mr. Speaker, in July of this year the entire Congress, indeed, the entire Nation, was stunned by the sudden and senseless random killing of two of our own Capitol Hill Police, Officer Jacob Joseph Chestnut and Detective John Michael Gibson. These brave men laid down their lives in defense of this building, in defense of all this building stands for and, of course, in the line of duty for the protection of these hallowed halls and the people who work and visit them.

I want to thank and commend the gentleman from Maryland (Mr. WYNN), whom I have had a chance as recently as today to talk about this measure with, for introducing this bill honoring this true American hero. The naming of the post office in Oxon Hill, Maryland, will enable family and friends and neighbors of Mr. Chestnut to continue to remember him in a very special way.

I am sure we all heard the eulogies that were offered to both of these brave men as their bodies lay in state in the Capitol. We heard the beautiful words expressed by his daughter, Officer Chestnut's daughter, as she spoke of her beloved father, and we felt the love that Officer Chestnut had for his family, his friends, his community and, perhaps most of all, his country.

His career was a storied one. He served 20 years as a member of the Military Police in the United States Air Force, and he served on the Capitol Police Force for 17 years doing his duty. He was just 2 years away from retirement.

The gentlewoman from Florida (Mrs. MEEK) spoke earlier about local heroes, community heroes. I think John Jacob Chestnut was all of that. I know he was a hero to his family, but we have here as well someone who, as he was just doing his duty, I am sure, in his eyes, was thrust into the light and into the glare of being a national hero.

We have named dozens of these facilities in the last several years, Mr. Speaker, but I honestly can tell the Members I do not think we have ever named one more appropriately than the one we seek today to name after the hero, John Jacob Chestnut. I want to thank the gentleman from Maryland (Mr. WYNN) particularly for his efforts in bringing this to the floor today.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join the gentleman from New York (Chairman MCHUGH) in bringing to the House floor H.R. 4516, legislation introduced by my friend and colleague, the gentleman from Maryland (Mr. ALBERT WYNN).

H.R. 4516 names a post office, a United States Post Office located at 11550 Livingston Road in Oxon Hill, Maryland, as the Jacob Joseph Chestnut Post Office Building, an honor for a man who gave his life, who laid down his life for all of us.

As of July 26, 1998, the Washington Post reported, on a clear, sunny day like yesterday, Jacob J. Chestnut would have been tending the squash, cucumbers, and red and green peppers in his vegetable garden, sharing the bounty with his family and neighbors. Instead, Officer J.J. Chestnut, an 18-year veteran of the Capitol Police Force, was killed when an armed intruder rushed past the security checkpoint in the Capitol. He was shot without warning near the visitor's entrance.

Officer Chestnut is remembered by friends and neighbors, and it is a very high honor that his own representative, the honorable gentleman from Maryland (Mr. ALBERT WYNN), is introducing and is going to name this post office for this honorable slain hero.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN), the sponsor of H.R. 4516.

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding time to me, and let me thank the chairman, the gentleman from New York (Mr. MCHUGH), for his cooperation and support in moving this matter forward to the body. Also, I would like to thank the gentlewoman from Florida (Mrs. MEEK) for her kind words on behalf of my former constituent. Her comments were most moving.

Mr. Speaker, we are here today in an effort to memorialize the sacrifice of Officer J.J. Chestnut. This proposal is supported by the entire Maryland delegation on a bipartisan basis, and I think it reflects the bipartisan sentiments of this entire body in support of this outstanding Officer.

The legislation redesignates the United States Postal Service Building located at 11550 Livingston Road in Oxon Hill, Maryland, presently known as the Fort Washington Post Office, as the Jacob Joseph Chestnut Post Office Building.

United States Capitol Police Officer Jacob Joseph Chestnut, along with United States Capitol Police Special Agent John Gibson, gave their lives in the line of duty on Friday, July 24, 1998, while guarding the visitors and staff in the United States Capitol; some would say, in our home.

Officer Jacob Joseph Chestnut, an 18-year-Capitol Police veteran and a retired United States Air Force Officer, was a gentle giant of a man who touched many lives with his friendly smile and his quiet competence in his short 58-year journey on this earth. A husband and father of five children, J.J. Chestnut was a pillar of his community, a respected leader, and a mentor to his fellow officers.

Following this tragedy, his widow, Wen Ling, said, "It is amazing to think that the death of a man so simple, so humble, so family-oriented, and yet so private, can rock the Nation and the world for simply doing his job."

The tragedy of J.J. Chestnut's death teaches us that life is fleeting. It teaches us that it is not the quantity of what you do in life, but it is the quality of what you do. This small piece of legislation is a grateful community's

attempt to memorialize the sacrifice this American has made.

Although the bill does not request it, we are hopeful that in future years a bust and a picture and a plaque commemorating Officer Chestnut will also be placed in this post office, so that future generations will be able to see the man and understand the sacrifice he made.

□ 1645

Mr. Speaker, this is the story of an American hero that gave his all for his country. It is a story of what makes our country great. J.J. Chestnut knew that freedom is not free. He understood that there is a price to be paid.

We ask men and women like J.J. Chestnut to defend and protect our freedom every day. We ask them to confront those who would violently attack the safety of individuals and of our most cherished institutions. They ultimately risk their lives and they too often lose their lives. But for Officer Chestnut's selfless actions, we may have lost many other innocent lives on that unfortunate day.

In Officer Jacob Joseph Chestnut we find an extraordinary individual who served his country and made the ultimate sacrifice in the performance of his duty to protect the lives of others in the Capitol. I thank my colleagues on both sides of the aisle. I thank my colleagues from the State of Maryland for their support in recognition of a great American whose gentle smile and helpful spirit will truly be missed.

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

Mrs. MEEK of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise in support of this legislation because I think it is extremely important, as the gentleman from Maryland (Mr. Wynn) has stated, that we take time to memorialize those who have played significant roles in our lives.

As a fellow resident of Maryland, along with the gentleman and, of course, the man who we honor with this legislation, J.J. Chestnut, I think what we send out to the world is a memorial which will be there for a very, very long time that says to the world that he was one who gave his life so that others might live, bringing a hope and a sense of dedication to the area in Maryland where this post office is.

Also, I want to take a moment to thank the gentleman from Maryland (Mr. WYNN). Throughout this entire unfortunate situation, the gentleman was there with the family. He constantly made it clear that he would do everything, and did do everything that he could to uplift the family.

I think that one of the most fitting things that could possibly be done is this way of memorializing this great man. So, when people come into that post office and see that name there and know that he is one who stood up for us, and for many when they could not stand up for themselves, and even the children who will come in and say who is that man? Who was he? For some person to be able to say that was J.J. Chestnut. He was an officer with the Capitol Police and he gave his life so that others might live, I think that that will be a very, very fitting memorial.

So, Mr. Speaker, I would ask that the entire House support this wonderful, wonderful resolution and ask that all of my colleagues vote for it.

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

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

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

Mr. Speaker, I rise in support of the legislation that the gentleman from Maryland (Mr. WYNN) has brought forward. It is very fitting legislation. Officer Chestnut was someone well-loved in this Capitol, who represented the finest in law enforcement and certainly he is an individual who we will miss as a result of his tragic murder that took place here in the Capitol.

This individual represented the best in law enforcement. His family and his friends certainly miss him greatly. We all do. The Nation does. But to have, therefore, a post office named in his honor is certainly appropriate. It is certainly a small token of the affection, respect, and admiration that all of us here in the Capitol and across the Nation felt for Officer Chestnut.

Many officers come to this institution and have a chance to serve their Nation. Officer Chestnut was so near retirement. He had brought to many people the opportunity to see their Capitol firsthand. He was professional. He was a policeman's policeman; one who was well trained, who dealt with the public in a very friendly, professional manner. He really was the best of the best.

So, having this post office be named for one of our own who was one of law enforcement's best is a symbol, a reflection of this House and this Congress saying "thank you" to a great man whose life was cut far too short.

We join with the family and friends and the men and women in blue all across this country who have lost one of their own, who stood up for us all the time, and who make a real difference for this country. This is certainly a unanimous vote that should be the forthcoming result, and I am sure the Senate and the President will agree that this is certainly a tribute that is appropriate and I hope that the House will join the gentleman from Maryland (Mr. WYNN) in making this a unanimous vote.

Mr. MCHUGH. Mr. Speaker, with a final word of praise to the gentleman from Maryland (Mr. WYNN) and great thanks to him, I urge all our colleagues to support this, and I yield back the balance of my time.

The SPEAKER pro tempore. 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. 4516.

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.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 1999, and for other purposes, when called up; and that it be in order at any time to consider the joint resolution in the House; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed one hour, to be equally divided and controlled between myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and, that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit with or without instructions.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the unanimous consent request just agreed to, I called up the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The text of House Joint Resolution 133 is as follows:

H.J. RES. 133

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is amended by striking "October 9, 1998" and inserting in lieu thereof "October 12, 1998".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H. J. Res. 133, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, today the initial continuing resolution for fiscal year 1999 expires, so we need another continuing resolution. Not all of the appropriations bills have yet been enacted, and for that reason we do need a little extra time to complete our business.

Adoption of H.J. Res. 133, which runs from tonight through October 12, will give us the time we need to complete our remaining work.

I am disappointed I have had to bring this joint resolution to the floor. I really thought that it was possible that we could get our bills done by tonight, but evidently we have run into some roadblocks and we need a little bit more time.

The negotiations are proceeding. There are tough issues yet to be settled. I appreciate all parties for having participated to the degree that they have. But I hope they understand that we need to knuckle down and do a little bit more if we are going to finish the job through the end of this particular continuing resolution which expires on Monday.

I was a little taken aback by the press conference by the President a little while ago suggesting that the Congress is not intent on doing our business. As you know, Mr. Speaker, both Houses have been diligently working on the budget ever since the President came to Congress and requested approximately $9 billion over the budget agreement that he agreed to last year, which ultimately led to balancing the budget this year. He requested $9 billion more than he had agreed to last year and we have been doing the best that we could to meet the caps, the budget caps that were put in place by that budget agreement.

It would appear now that the President wishes us to exceed those budget caps with the promise that he has certain unidentified offsets for any monies that might be expended in excess of those caps. And yet to this moment, Mr. Speaker, to this very moment, despite our requests since July, I have not seen those offsets.

Mr. Speaker, we have repeatedly requested from the administration day after day, week after week, month after month to give us a sneak peek at the offsets that they might provide for us, so that we might know if we spend more than the budget caps agreed to by the President. We will offset that amount and the budget agreement that the President engaged in last year will not be broken, will not be breached.

To this minute as I stand here, I still have not seen those budget offsets. And so it concerns me when I turn on the television a little while ago and see the President of the United States standing in the Rose Garden surrounded by Members of Congress from the other side of the aisle saying that we have not met his prerogatives and he is going to hold the Congress here until we meet his demands.

We would love to meet his demands, but all we ask is to let us see these offsets which pay for the amount that he wishes to expend in excess of the amount that he agreed to in his budget agreement with us that led to the balanced budget that we all reached last year.

I am hopeful, I am deeply hopeful that we are going to be able to see those budget offsets some day soon. Maybe even today. But just a few minutes ago, the Director of the Office of Management and Budget said that he wanted to wait until the end of the process before he showed us his offsets.

Well, I think the time for Kenny Rogers to step up to the table and say, "You've got to know when to hold 'em and when to fold 'em" is long since past. The time is to put the cards on the table, and we have not yet been able to get the administration to do that. So, we have not really been able to get an agreement yet.

Mr. Speaker, I am sorry about that. I apologize to all the Members of this body that we have not concluded our business. I am hopeful and optimistic that we will be able to do so by Monday. But I want to say to all of my Members, all of my colleagues throughout Congress, we are going to stay here. We are going to stay here until we conclude the people's business. We will stay as long as it takes to finish our business, pass our appropriations bills, live within the budget caps, the agreement that the President and the Congress made last year.

When we conclude our business, we will go home and get elected. Until then, I am afraid that we may be here with another continuing resolution, and that grieves me greatly. I would like very much not to have to say that. But to think that just a few minutes ago the representatives of the President of the United States would not show us the offsets that they intend to use to pay for any spending over and above the budget caps that the President agreed to a year ago is absolutely astounding at this late hour.

So, I have no choice but to come here and request this continuing resolution.

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

□ 1700

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, everyone knows that the gentleman from Louisiana and I are good friends. We are an awful lot alike; we are both very placid individuals. Neither one of us ever gets excited; neither one of us ever gets mad; and we are always the quietest, most calm people in the place.

Let me simply say that I have enjoyed listening to my friend's speech, and he is doing his duty in bringing this extension of the continuing resolution to the floor. But I kind of feel like Yogi Berra. This is deja vu all over again. And I think we really do need to understand why we are here and what the practical steps are that must be taken if we are to get out of here in a reasonable length of time.

This House has had sort of a schizophrenic history the last 2 years on appropriations bills. Last year, I thought we had a very good year, and I thought that both parties could genuinely be pleased about what was produced in the appropriations process. After the fight over the government shutdown several years ago, where my friends on the other side got badly burned because they thought they could shut the government down to force the President to cave into their priorities, and they were proven wrong, in reaction to that, last year, I thought they behaved quite responsibly. And, as a result, we had a bipartisan approach to virtually every appropriations bill except one. And at the end of the process I thought we all felt pretty good about ourselves and about each other.

But when this year's appropriations cycle began, it was apparent that the majority leadership was in a new mode, and they were telling the leadership of the Committee on Appropriations on the other side of the aisle that they wanted them to adopt a more confrontational mode so that they could more clearly define the differences between the two parties. The press has written about that. I have been told that, frankly, by a number of Members on the other side of the aisle.

So, as a consequence, what has been the track record? The track record is that this Congress never did produce a budget. We are now through the entire fiscal year, and we still do not have a budget. We also have very few bills that have gone through the entire process. I think only two of them have been signed, one has been vetoed, and the rest are still stuck in the Congress somewhere.

One of the reasons for that, in my view, is because the leadership on that side of the aisle in this House decided that they wanted to try to pass a series of appropriations bills with only Republican votes. And so, for instance, on Labor, Health, Education, they produced a bill which is some $2 billion below the President's on education; they eliminated the Low Income Heating Assistance Program; they eliminated Summer Jobs; they shredded the

President's education initiatives; and they produced a bill which was so extreme that their Republican brethren in the Senate would not accept that bill, and that bill has never even been finished by either body. Finally, yesterday, that bill came to the floor, and then we simply had a brief debate on family planning and then that bill was pulled from the floor.

Now, we do not run this place; the other side does, because they are the majority. I recognize that. But when the other side follows a policy of confrontation rather than cooperation, they have to expect that we are going to have problems. And so now we are stuck. No budget. Almost no appropriations bills passed. Fiscal year gone. We have already had one continuing resolution and now we have yet another one. I would predict for my colleagues that this is going to have to be extended again.

Members in this House need to understand there is not a chance of a snowball in Hades that we can possibly reach all of the agreements that have to be reached and have a bill to the floor on Monday. I have talked to a number of our friends in the press, and they seem to have been told that there were only 9 or 10 items that separated us. We still have over 300 items that have to be resolved, in numbers and in language. And that is a practical fact. That means that we are going to need every second of this extension and then some, in my view.

I would just ask that we recognize that while the majority party controls both Houses of the Congress, and it is their right to produce a bill that can only be passed with Republican votes, they must understand that if they want those bills to become law, they do need a Presidential signature, and that means there is going to have to be compromise. We are going to have to find common ground. And, until we do, we are going to be stuck here. I hope we can find that common ground sooner than later, but it is going to be very difficult.

With respect to the chairman's comments on offsets, offsets are simply what is produced in order to pay the bill. The check comes after we know what the bill is. Well, until we know what the differences are between parties, and until we know the size of those differences, it is pretty hard to say how we are going to pay for them when we do not even know what the differences are. So what we have to do, with all due respect to my friends on the other side, we have to sit down and lay out what our differences are so that we know rather than are guessing about how the other feels, and then we can proceed to try to bridge those differences.

I hope we can be here early next week with a resolution to these bills, but we are a long way from settlement. And as the President said in the White House, we are not going to leave, we are not going to leave until this Congress is responsive to the President's education initiatives and we have those funded to considerable measure. And that means that we had better start recognizing that right now.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS. Madam Speaker, I yield myself 2 minutes.

As the gentleman has said, the process is to work between the bodies on the Hill and between the parties in this body and the other body to work out our differences, and, of course, work with the White House to try to achieve some degree of compromise to where the bills can be signed. And that is exactly the process that we are in and have been in for several weeks now.

As far as knowing what the White House offsets are going to be so that we can know where the money is going to come from to pay for these extra frills that the President seems to want, we simply want to know what the cost is going to be and where the money is going to come from. When we go shopping at the store and the store shows us the goods that we would like to buy, they have to know that we have got the money to pay for it before we can strike a deal.

And so we simply want to see the White House's money. If they have a way to pay for the frills that they are asking for, then that is a different story. But until this time they have simply refused to tell us whether or not they have the money to pay for the frills that they want to add to these bills.

Now, we are in the process of working differences out between the bodies and the White House. That process is ongoing. The budget office from the White House has been here now for several days meeting with the leadership in the Congress, the Speaker, the majority leader, and the leaders of the minority party in both bodies. We are in the process of negotiating and working. We simply have not had time to meet the demands of the White House at this point in time.

And I would urge that the White House be reasonable in their requests. We are trying to be reasonable. We are trying to find ways to do what the White House would like to do on all these bills. They are being a bit unreasonable at this point in time, and we simply are going to stay here until we get this job done.

Now, the White House can take their campaign trips wherever they want. This body, this House, is staying in session until we get the job done.

□ 1710

Mr. OBEY. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic Whip.

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding and giving me some time to talk about the lack of a budget.

Madam Speaker, here we are. We are 9 days past the end of the fiscal year. We are passing another short-term budget because the Republican leadership has failed to do its work. We have no budget.

If we were running a business and we were entering a new year, we would have a budget to follow so we would know where we were going, what we were going to spend, what income we were going to take in, how we were going to make our ledger work.

A family would have a budget so they knew how to take care of their housing needs and their children's education and all of the things that are important.

We are not talking about some small entity here. This is the Federal Government. We have no budget. For the first time in 25 years, there is no budget. And only 6 of the 13 spending bills have been passed. Excuse me. Six have not been passed.

So what have we been doing here for, lo, these many months since the President came and talked about issues of concern to the country in the State of the Union address?

Have we dealt with the minimum wage so that people who work 40 hours a week can earn at least a poverty level wage? They do not now. They did not do that. The Senate a couple of weeks ago voted against that. The Republican colleagues killed that in the Senate.

How about campaign finance reform to clean up our system? Did not do that in the Senate. They killed that one, too, after squandering months on it in the House not wanting to take it up.

How about teen smoking for the health of our children? What did we do there? Zippo, nada, nothing.

How about HMO reform, a patients' bill of rights so that when someone wants to see a doctor they can see a doctor. So that if someone needs a test they can get a test. So if someone has an emergency they can go to the closest hospital? They killed it in the Senate today in the other body.

So this Congress has basically done nothing on the issues that the American people care about. We have no budget.

And my colleague on the other side of the aisle, who I respect, the gentleman from Kentucky (Mr. ROGERS), talks about frills, how are we going to pay for the frills?

I just was handed a definition of "frills" because I was on my way to the dictionary which sits in this Chamber next to the Speaker's podium, and they define frills as a trimming, as a strip of cloth or lace gathered at the end, a ruffle, something superfluous.

Let me tell my colleagues what kind of frills we are talking about and then

decide whether or not it is superfluous. We are talking about education, and we are talking about reducing our class size in America so that our children can get a good education, so that there can be discipline in the classrooms and our teachers can teach, and we have a bill that we have advocated for months and months and months, and they have said no and no and no to it. That is the frills we are talking about today.

Or how about this frill? How about taking care of the schools in this Nation that are falling apart, where the plaster is falling down and the plumbing does not work or our children are getting educated in trailers outside the main building, where the heat does not work sometimes? Is that a frill?

That is why we want to stay here, so that we can take care of those issues that we came here to take care of.

They have closed the door to a good wage for people already. They closed the door on patients' health reform, a patients' bill of rights, reforming HMOs today. They closed the door on doing something about teen smoking and health care in this country, and now they talk about education reform as frills.

We have no budget. This, in my opinion, has been the worst, most unproductive Congress that I have been involved with in my 22 years here. Oh, it has done a lot of investigating, but when it comes to the people's business, the business that the people talk about around their kitchen tables, nothing, and then we get it called frills.

Madam Speaker, I hope in the next week, and I suspect we will be here for a week, I cannot imagine that we will get 300 items taken care of, because that is what is in disagreement, as the ranking member, the gentleman from Wisconsin (Mr. OBEY) mentioned, 300 pieces of disagreement on these appropriation bills, in numbers and in language.

I hope in the week or so that it takes to get this done we will elevate the education issue to where it belongs in this country so that our children will get the respect, the dignity and the resources that they need to be able to compete in our world.

Mr. ROGERS. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, the gentleman from Michigan (Mr. BONIOR), whatever he calls the additional spending the President has requested, he has yet to tell us how he is going to pay for it. I mean, the budget agreement that the gentleman agreed to, the President agreed to, under which we are operating, sets caps for spending.

We are spending up to the caps. Now the President says disregard the caps; give us more money for X, Y and Z.

Well, we cannot consider that until we know how we are going to pay for it. Where are we going to cut spending in order to increase spending for something else so that we stay under the overall caps, under which this Congress operates and the White House agreed to and is operating?

Now, as to whether or not there is a budget resolution, it makes not a hill of beans' difference. We are operating under the budget agreement that the parties and the White House agreed to a couple of years ago. We are spending in the appropriations bills every penny of those caps. Whether or not we have a budget resolution is irrelevant, because we agreed back in June, without the budget resolution, that we would spend up to the caps. We cannot spend more than the caps unless we change the law. So what difference is it if there is not a budget resolution, which only is an internal paper of the Congress anyway?

So we are spending all of the caps that we are allowed to spend under the budget resolution, the budget agreement, that the White House signed off on and now wants to violate.

I want to ask the White House, how come they want to violate the balanced budget agreement that led to the Nation's first balanced budget in 37 years and which they are so big about crowing about on television? Why do they now want to violate that balanced budget agreement?

As long as there is a refusal to come up with the offsets to spend more in one category than we agreed to, it simply is a hollow demand.

□ 1720

Mr. OBEY. Madam Speaker, I yield myself 30 seconds. I would like to ask the gentleman a question on my time. He is asking what the administration will do to pay for its initiatives. The Speaker is asking that we spend at least $8 billion in additional funding for the Pentagon, in addition to the bill that we just passed through here 2 weeks ago.

Where are you going to get the money to pay for that?

Mr. ROGERS. If the gentleman will yield, I assume that the Speaker has suggested the offsets with which to pay for it. That is the way this place has to operate under the balanced budget agreement.

Mr. OBEY. The gentleman assumes wrongly.

Mr. ROGERS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Madam Speaker, this debate is almost hilarious. My colleagues on the other side say there is no budget. But each appropriations bill we have in the balanced budget has a cap. Every appropriations bill has a budget in it, all 13 of them. There is your budget. And in every case, every single case except one that the liberals always want to cut is defense, and our national security is the lowest it has been in 30 years. That is your cash cow. In every single one. You say, well, education. Your party over 40 years has screwed up the education program to where we are 15th in the industrialized nations in math and science. We are last in literacy. And for the first time we have taken the 760 federal education programs so you can rein down your excessive money and limit it and get the money to the classroom. Instead of 50 cents on the dollar, we are going to get 90 cents on the dollar down to the classroom.

You call us extreme. Well, yesterday's fiasco, so that you can generate your base, we are trying to lead the country based on the Constitution and here you are with a gimmick to try to generate your base. And now you are over at the White House saying, Mr. President, we need to spend more, we need big government, we need to tax more, and do you think we are going to stick around and let you do that? We are going to stick around, but we are not going to let you get away your liberal spending, liberal tax and liberal bigger government. Absolutely not.

I feel sorry for my colleagues on the other side. They look at the polls and they know that many of them are not coming back next term. The only thing they can do is sit here and demagogue and push the White House to spend more money. We are not going to let you do it. Because the American people know exactly what you are trying to do.

When you say education, what about the children, well, what about Davis-Bacon? We could have waived Davis-Bacon for construction on schools in D.C., Mr. Bonior, and your union bosses preferred union bosses instead of children, instead of building and putting roofs on our D.C. schools.

Let us call it like it is. You talk about increasing education. The money that is in there for education out of the President's budget is not there. It is above it. And the only way he can increase it is to take it out of the surplus. And you take it out of the surplus, I do not guess you want to take the surplus and put it into Social Security anymore. I guess you have changed your mind. Because of all these great spending programs you have, you want to keep spending and spending and spending. You cannot have it both ways. You have got to adhere to a balanced budget that the President signed which you on the left do not want to do. I feel sorry for you. Because not many of you are coming back.

Mr. OBEY. Madam Speaker, I yield myself 1 minute. The gentleman says that the Democratic Party has screwed up education. I guess that means that he feels we should not have passed the Nation's student loan programs which we would not have had without a Democratic Congress. I guess that

means he feels we should not have Pell grants that helped the kids from working families go to college and technical school. I guess that means he feels that we ought to repeal handicapped educational legislation. I guess that means he feels we ought to repeal Head Start that is the main program that we provide so that kids who are having trouble learning to read and deal with mathematics get a decent start in the early grades on that. The gentleman may think that that is screwing up America. I think it is creating opportunity for every working family in America.

On this side of the aisle, we make absolutely no apology in being for that kind of spending. In contrast, in the last 3 years, this Congress has added $20 billion to the President's defense budget but $17 billion of the $20 billion has gone for pork rather than readiness. I will compare and debate those priorities anytime.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Madam Speaker, I thank the gentleman for yielding time. It is interesting that the Republicans who spent months and months trying to get a budget, then when they cannot get a budget, they say it does not amount to a hill of bean, that it makes no difference to the American people. Then why did you spend all those months in the Budget Committee trying to hammer out a budget? You say it does not matter that the appropriations bills are not done yet. But why did you spend all this time trying to do it?

The fact of the matter is you have an ideological fight going on within the Republican Party within the right wing and the far right wing and you cannot resolve it and you have not been able to do the American public's business. You have not been able to do it.

Most of the businesses in America are increasing their productivity. Workers all across America are increasing their productivity. People are making investments in productivity. The Republican Congress is working less every year. Every year. You lost a month this year. Last year we worked 132 days. This year we worked 106. You have lost a month. Two years ago you worked more days. You have lost 2 months in 2 years. At this rate we will be the most unproductive workers in America. You cannot get a budget, you cannot get appropriations bills, you could not get a tobacco agreement, you have not been able to reform HMOs, you cannot deal with crumbling classrooms in this country, you cannot deal with getting more teachers in the classrooms because of a teacher shortage, and yet you are getting the same pay. But you have lost 2 months in 2 years' time. If you worked for any corporation in America, either you would shut down your corporation, you would reinvent your corporation, or you would go out of business. Name another entity in this country that lost 2 months in the last 2 years in worker productivity. American workers are working harder than they have ever worked before for their wages and the first thing that the gentleman from California (Mr. CUNNINGHAM) suggests is that we take away their wages in Davis-Bacon, that we take hard-working Americans and his answer to the budgetary problem is to take away their wages. That is outrageous. Those people are working 8 and 10 hours a day. They are working 6 and 7 days a week. The Congress is coming in on Wednesday and leaving on Thursday, the Congress cannot show up after its August break until the middle of September, and it is ready to go home in October and it is not coming back until March. That is a hell of a job we have got here, ladies and gentlemen. The only problem is you have not done your work. Anywhere else in America, you would be fired. You would be fired, because you failed to show up and go to work every day like every other American.

So what has happened? So we have said no, this Congress, to 100,000 teachers for our children. We have said no to our children who are in crumbling classrooms, where $12 billion worth of work needs to be done to make those classrooms safe. We have said no to America's children for afterschool programs that the police departments tell us all the time they need to help us fight crime after school between 3 and 6 in the afternoon. You have said no to the people who want to submit the patient-doctor relationship, you have insisted that we are going to continue to let the insurance companies get in between patients and doctors who need that kind of care. You have said no to the tobacco settlement so we can get back to the Medicare system the money that was stolen from them because they had to deal with the tobacco ailments of the American public from smoking after being deceived by the tobacco companies.

This is the most unproductive Congress in the history of this Congress. If we keep losing the days of work like this, pretty soon we will just show up in January, collect a year's pay and go home, because according to you, it makes no difference whether we have a budget and appropriations. It makes a difference to the American people because the reason you do not have a budget is you do not want to admit what you have not done.

Mr. ROGERS. Madam Speaker, I yield myself 1 minute. Apparently the gentleman does not believe that a balanced budget is important. This Congress achieved a balanced budget for the first time in 37 years. Apparently the gentleman does not believe that cutting taxes to the American people is important. This Congress cut people's taxes. Apparently the gentleman does not believe that having the best economy in decades is not important. We believe it is. This Congress created the atmosphere in which we have got the best economy in decades. The gentleman apparently does not believe that having record employment is important. We believe it is. Under this Congress's policies we have had record employment for the last several years ever since this party has been in charge.

□ 1730

We believe this Congress has been productive on the important matters for all of the American people.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Speaker, listening to my friend, the gentleman from California (Mr. MILLER), it reminds me of Harry Truman's statement. Some complained that Harry Truman was giving them hell; he says, "No, I just tell them the truth, and it sounds like hell." Harry Truman also coined the do-nothing Congress.

Now the bad news here is that the extreme right has taken control of the agenda here. We find ourselves through this session not dealing with the budgetary matters, health care, education. We spent half a day on the floor trying to take away health care from people in California. We go after ethnic groups and try to divide this country based on their national origin or their heritage. When it comes to education, we ignore it. Pension reform; we will not deal with it here.

CHRIS DODD and I sat in a meeting in Norwich, Connecticut, where a gentleman died of a heart attack because he was so frightened about the situation of his family because the HMO was in the process of dropping them. Can his family, can other families turn to this Congress? No. This Congress is too busy, too busy to take care of people's health needs.

In my district and across this country there are a quarter of a million seniors who are losing their health care and million others that are frightened. We are here sitting around taking up pieces of legislation that have no life-and-death significance, but not HMO reform. Our colleagues might get somebody with a big corporate contribution angry, so there is no HMO reform, there is no help for seniors who are losing their health care.

What I saw what government did as a kid: Members came to Congress so they could be an advocate for those without power, not the insurance companies,

not the major corporations. Members were there to make sure the average person had a voice for their troubles.

And then, of course, campaign finance reform. Our colleagues control the House and the Senate. They have always been the reason that campaign finance reform has not passed, filibustered in the Senate, vetoed by President Bush. Now, they could have written any bill that they choose to. They killed campaign finance reform along with health care and pensions and education.

Madam Speaker, our colleagues ought to be ashamed of themselves.

Mr. ROGERS. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank my colleague from Kentucky for yielding this time to me.

Madam Speaker, I would say the debate is somewhat enlightening, except there seems to be far more heat of that aforementioned four-letter definition that my friend from Connecticut mentioned a second ago than any light. We could sit here and retrace history. We could ask why during 40 years of liberal control campaign finance reform to deal with so many problems was never really taken up. We could talk about the fact that true health care reform to protect the doctor-patient relationship rather than the patient-trial lawyer relationship has been championed in this body. We could talk about the fact that for the first time in 16 long years, this common-sense conservative Congress offered tax relief to working Americans.

Indeed, Madam Speaker, I am struck by the irony of the other side who always would cast themselves as defenders of working Americans, and yet time and time and time again reached into the pockets of those working Americans to take their wages and send them here to Washington.

Madam Speaker, our common-sense policies have drawn a clear choice and contrast because we are intent on transferring money, power and influence out of the hands of the bureaucrats. We are intent on making sure that working Americans hang onto more of their wages so they have more to spend on their own families rather than sending those wages here to Washington. That is the real change, and to the extent that we continue this proven record of success with a balanced budget, with tax relief for Americans, with a bold plan to ensure the sanctity of the patient-doctor relationship, we are proud to take our time to debate our differences and to achieve that balanced budget.

Mr. OBEY. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Madam Speaker, I am sorry the gentleman would not yield. I asked him several times. Perhaps he would answer this question for me.

The gentleman talked about wages and standing up for working people. Is the gentleman in support of increasing the minimum wage, the minimum wage bill that we have? Or is the gentleman opposed to it?

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Arizona.

Mr. HAYWORTH. The gentleman is in support of cutting taxes for working Americans.

Mr. BONIOR. Madam Speaker, the gentleman will not answer that question, so he obviously is not in support of raising the minimum wage for people who work for less than poverty wages, and that ought to be recorded and understood by the people who he represents.

Mr. OBEY. Madam Speaker, I yield myself 1 minute.

I would also remind the gentleman from Arizona, he says that when the Democrats controlled Congress, we did not take up campaign finance reform. The fact is we passed campaign finance reform three times in this House. I was the sponsor of it on two occasions. He says that we did not do much to help senior citizens. All we did under the Democrat watch was to pass Social Security, to pass Medicare, two programs that the gentleman's Speaker has spent a lifetime trying to destroy.

Madam Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Madam Speaker, I reserve the balance of my time and reserve the right to close.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I listened to what the gentleman from Arizona (Mr. HAYWORTH) said, and the problem I have is not only with the substance of what he talked about, but the fact that effectively what he has proposed and what the Republican leadership has done is to just waste time, and that is why we are here in this dilemma tonight where they have to pass continuing resolutions, and they cannot get the budget done, and they cannot get the appropriation bills passed because basically they just wasted the Congress' and the American public's time.

The gentleman from Arizona talked about HMO reform. They had no intention of passing HMO reform. Democrats in committee, in the Committee on Commerce and other committees, on the floor, constantly asked that the Patient Bill Of Rights be brought up for a vote and be considered, the Democratic proposal. It was never considered. They just took 1 day, they passed an HMO bill that basically reformed nothing, that was worse than the status quo, and they knew it was not going to go anywhere. They sent it over to the Senate. The Senate never took it up. The Democratic leadership in the Senate tried to take it up today and was denied. There was no intention to pass HMO reform, just to waste time.

The gentleman from Arizona (Mr. HAYWORTH) talked about tax cuts. There was no intention to pass a tax cut. This was just an exercise in futility. They were taking the money from the Social Security Trust Fund. They knew it was never going to pass. It passed the House, it went over to the Senate, they knew the Senate would never take it up. The President vowed he would never sign it. They did not even intend to pass a tax cut really. They were just wasting time.

And we have seen this over and over again, wasting time on appropriations bills, all these antienvironmental riders that will wreck our natural resources that eventually most of them they had to take out.

This whole debate over education, they did not care about public education. They spent days, weeks talking about vouchers, taking money from public schools to give it to private schools. But they did not even intend to really pass that either. They were just wasting time.

That is why we are here today, because this Congress essentially does nothing under the Republican leadership but waste time. They do not want to do anything to help the American public. Just some benchmarks: The least number of days that this Congress has worked in decades, the least number of bills enacted in decades, and, finally, the failure to pass a budget for the first time since the budget process was created.

Mr. LIVINGSTON. Madam Speaker, I yield myself 3½ minutes.

Madam Speaker, I am absolutely astounded at the comments that just preceded me. The gentleman from New Jersey (Mr. PALLONE) obviously is engaged in a tough political race back home, and he has brought rhetoric to the floor of the House. Unfortunately it is only that, has no bearing, no relationship to the truth whatsoever.

The fact is if he would have checked the record, if he had been around here in that campaign, perhaps he would know that we passed the Higher Education Act, the Reading Excellence Act, the school nutrition bill, the vocational technical education bill, a quality Head Start bill, a charter schools bill and legislation to provide new technology to the people with disabilities.

□ 1740

The fact is that he would know that in the Labor-Health bill now being discussed with the President's people today, the Congress has approved roughly $32 billion.

The differences between the President's position and our position is less than $600 million, maybe as low as $300 million. In many instances, the Congress, the Republican Congress has appropriated more than the President asked for, specifically on the issue with respect to the special education where the President did not ask for the sufficient amount of money that was already authorized by Congress in previous years.

Just about an hour and a half ago, the President's people came to us with what we thought was a good faith negotiation to resolve all our differences and get Congress out of session by the end of the continuing resolution tonight, which we are now trying to extend till Monday.

As late as today, October 9, they came to us with no paper, no spreadsheets, no documentation for what they were asking for, and they have been saying to us since July that they were going to provide offsets, that they were going to provide for legislative cuts to offset the additional spending that the President has requested throughout the last several months, and that they have still to this moment, to this moment not given us the first sheet of paper or the first indication of what those offsets in some black box happen to be.

The fact is if we are dealing in a good faith effort with the opposing party, both sides, at a late date like this, the last days of the legislative session, should put their cards on the table and stop jockeying politically.

But as it was noted by the speaker that just proceeded, all they are interested in is politics and in posturing. They are not interested in actually sitting down and getting the people's business done. I regret that. I regret that.

I am prepared to stay here as long as it takes to get this business done, to get these bills appropriated, to make sure that the money is available for the people that really need it, but make sure that we live within the budget caps that the President himself agreed to last year when he came up with an historic balanced budget agreement with the Congress that led to the first surplus in the American treasury in 30 years, 30 years, Madam Speaker.

I think it's very, very important that we separate the wheat from the chaff, that we separate the political posturing like the speaker that preceded me. Understand, we are going to finish the people's business.

But in order for us to reach a good faith agreement with the administration, with the President of the United States so that we can resolve all of our differences, we have to know what their position is. We have to see their paper. We have to see their request. We have to see the extra money that they want to spend it on, and we have to know where that money is coming from. Until we get it, we are just talking in the dark.

I think it is time to stop talking in the dark. Get real. Put the politics behind us and get the people's business done.

Mr. MURTHA. Madam Speaker, if the gentleman will yield, I want the gentleman to know I have been watching the debate; and the gentleman from Wisconsin (Mr. OBEY) is coming across as reasonable. I do not know what is going on.

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

Madam Speaker, we have heard a lot of touting over there about the fact the administration is not offsetting some of the items it is asking for us provide.

I see in the National Journal's Congress Daily the fact that the Senate majority leader is asking us to spend $385 million in so-called emergency funding to bail out ConAgra and Tyson's and other big chicken exporters who, on the private market, ship chickens to Russia and now cannot find a buyer.

So when we start talking about declaring something as an emergency, I did not realize it was an emergency that we would bail out big business when they make a bad detail.

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

Mr. LIVINGSTON. Madam Speaker, I yield 2 minutes to the very patient and hard-working, intelligent, dynamic gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I thank the gentleman yielding to me.

Madam Speaker, I had no intention of coming to the floor and engaging in this debate, but I really believe it is important from time to time for people to come maybe to the center of this institution and put things in somewhat of a perspective as we prepare to go home at the end of the 105th Congress.

I have been here 4 years and have grown to deeply and passionately, not only love this institution, but love people on both sides of the aisle.

When I hear people like the gentleman from California come here and make statements about people not doing their job and not working hard, I want the people to know, everybody in this institution that I know have works their tails off.

When my 11-year-old son and my 9 year-old-daughter watch these proceedings and know how much time I spend away from them and how busy I am and everybody in this institution, this institution means more than either one of our political parties. It must be held up. If not, the cynicism in this country is going to grow.

I strongly encourage Members on both sides to say what they mean and mean what they say and quit using words that demean this institution. It is not in our best interest. It is not to our children's best interest.

What is in their best interest is to know that we all work hard and do our very best for the people that we represent. We should debate the issues, but to use shallow rhetoric about this body not having done its job last year or this year, I have been here 4 years. I have seen people work around the clock from both sides of the aisle. Four hundred thirty-five people work, from my perspective, as hard as they possibly could.

I worked with my friends on the other side of the aisle on campaign finance reform. I tried not to come down here and run my mouth if I did not have something to say that was a value to this process.

Please, for the sake of this government, for civil government, for decency, for cooperation, for the next Congress and the next Congress and Congresses 100 years from now, quit using shallow rhetoric.

Mr. OBEY. Madam Speaker, I yield myself 10 seconds.

Madam Speaker, I wish we had heard that same speech yesterday.

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

Ms. DELAURO. Madam Speaker, let me paraphrase Admiral Stockdale, a former vice presidential candidate: "Who are we, and why are we here?"

It is clear that the Republican leadership of this House has no idea who they are and certainly do not know why they are here. They do not know why the people of this country sent them to represent their interests. This Republican-led Congress has failed the American people.

We have passed the end of the fiscal year, and what have they accomplished? The Republican leadership has not passed the budget. They have not completed appropriations. We only have a few days left before this Congress adjourns, and they refuse to address the issue that the American people care about.

Let us talk about the missed opportunities. Social Security reform. Instead of doing that, they would raid the Social Security Trust Fund and not preserve and protect Social Security for the future.

Tobacco legislation. Three thousand kids in this country start to smoke every single day, and 1,000 will die. But, no, we could not do something about tobacco legislation.

Real managed care reform. About getting doctors and patients to make the decisions, the medical decisions in their lives instead of insurance companies. No. We had bipartisan support in this body. We could have passed it in a heartbeat. If the Speaker of this House wanted to get it passed, we could have done it at a moment's notice.

Let us talk about minimum wage and raising the living standards of working families in this country. No, we could not do that.

Campaign finance reform. Certainly let us not reform this House. Let us not do that.

They have failed to take any action to strengthen our public schools, reduce class size, make sure we have 100,000 new teachers in the classroom, modernize our schools so that our kids get wired up to the Internet and they can succeed in their future.

□ 1750

No, none of these we could do.

Let me just say, the American people deserve to know why we are here. We are here to represent their interests. We have a few short hours in this session of the Congress. Let us do something about our school system; let us pass legislation that is meaningful to the people of this country.

Mr. LIVINGSTON. Madam Speaker, I reserve the balance of my time, and I reserve the right to close.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Wisconsin has 4 minutes remaining; the gentleman from Louisiana has 8½ minutes remaining.

Mr. OBEY. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, this Republican Congress has been a failure. We have spent a lot of time, yes, on investigations and millions of dollars on investigations, but not making a meaningful difference in people's lives.

Madam Speaker, we have a balanced budget and a Federal surplus because of the Democratic deficit reduction program, yet my colleagues are 9 days overdue on a budget for America. No mayor, no Governor, no American family could do the same. My colleagues have failed families in this country in giving them protection from HMO abuses. My Republican colleagues have failed seniors by making sure that Social Security comes first in the context of the budget surplus.

Madam Speaker, we Democrats do not want to let you go home and fail our children. We want to put 100,000 teachers back in the classrooms of this country to help educate our children and modernize our schools. If we have billions of dollars for tax cuts, we can have some money for the Nation's children that are going to make us competitive in the next century.

Democrats will not let you leave and go home and campaign; we will stay here and work and make sure, we are going to ensure, that you do not commit the final failure, which would be failing our children.

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

I was prepared to close, but evidently we are going to have continue to have rhetoric that sometimes compels me to answer.

I left the floor a little while ago to take care of some very important business, and when I returned I was advised that one of the speakers on the other side took this political rhetoric to such an extent that he talked about a campaign rally, or a town meeting at which he was present, and an elderly gentleman talked about HMOs and got so excited that he fell down and died, and for some reason that was supposed to be our fault.

I heard the last speaker say that we have deprived America of all of the good that the President wishes to bestow upon them, and I just get concerned about the rhetoric. I just asked my friend from Arizona there, does he have any thoughts about how heated this rhetoric gets?

Madam Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I think we could do with a lot more light, and a lot less heat. I think it is unfortunate when members of the minority, and we can understand that different people have different philosophies and that we should exchange those, but to have reason and, to a certain degree, passion replaced by a sad rhetorical device to imply that anyone's policies on this floor led to the death of an individual I think is highly regrettable.

I would hope that those on both sides of the aisle would rethink that type of rhetoric, because again, it has no place in this Chamber. Indeed, given the standards that many have applied to the conservative side of the aisle, I would hope that they would offer the same scrutiny to such unfortunate statements that come from the other side.

The bottom line is this: We can work together in the framework of what we did last year, balancing the budget for the first time in a generation; offering tax cuts to working folks for the first time in 16 years; and I would hope that all of the poll-driven rhetoric and all of the passion-driven examples that are highly regrettable would be left outside the Chamber.

Mr. LIVINGSTON. Madam Speaker, reclaiming my time, the gentleman is absolutely correct. Because of our efforts, we now have a balanced budget, $70 billion in surplus. Because of our efforts, we have the lowest interest rates in a generation. Because of our efforts, our children have a future which, hopefully, if we can get our way, will be free of undue taxation and free of undue interference from Washington, D.C. That is our goal. That is our hope. That is our platform. We are prepared to run on that at any time.

But to be accused of inciting conditions that caused the death of an American citizen frankly goes beyond the pale. I am really surprised that that was used in the rhetoric here on the floor.

Madam Speaker, I reserve the balance of my time, and I hope to close this debate soon.

Mr. OBEY. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3 minutes remaining.

Mr. OBEY. Madam Speaker, I yield myself the remainder of the time.

Madam Speaker, first of all, I would like to thank the suddenly moderate gentleman from Arizona for his pieties, and I would simply like to say that I love this institution, and I respect many, many Members in it. And I revere what this institution is supposed to mean to each and every citizen of the country. But in the last analysis, I think they are going to be impressed much less by our pieties and by our rhetoric than they are by our actions.

It seems to me if we really want to inspire the American people, we will take action in the next week, as we make our final decisions on the budget, a budget which, after all, does define what our values are, and as we make those choices, I hope that the choices that we make will indeed help to make a difference for struggling working families who need every bit of help they can to make education affordable, to provide decent classrooms for kids, to provide decent teacher-student ratios so that kids have a chance to learn in the poor school districts as well as the wealthy school districts in this country.

I hope that in the area of health we will recognize that every American has a right to full access to health care, just by virtue of the fact that they were born one of God's creatures; and I hope that we will recognize our obligation to strengthen people's retirement security, and I hope we will recognize our obligation to drop the innumerable attacks on the environment that we see in appropriation bills that threaten the future environmental health and safety of this country.

So I would urge Members to vote for this simple extension of time so that this very tardy Congress can get its work done.

I make no criticism of the gentleman from Louisiana in this. I think we have said many times, if all of these issues were left to us to work out between the two of us, I do not think there is an issue that we could not solve. But unfortunately, there are many pressures above our pay grade which have often interposed themselves and made it very, very difficult for our committee to reach the same kind of accommodation that we were able to reach last year, and that is why we stand here tonight with still so much work to be done, and with still so many public needs to be met.

I would hope that in the time that we have remaining and the time that is provided by this resolution will help us indeed to put people first.

□ 1800

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

Madam Speaker, I want to thank my friend, the gentleman from Wisconsin (Mr. OBEY) for his comments. I do agree with them. I think if he and I were left to work out all of the problems that divide us, we could be through and be out of here tonight. However, unfortunately, there are others involved in the process. It has been a long calendar, both in the calendar year 1998 and in 1997, that comprised the legislative agenda for the 105th Congress.

I happen to think we have accomplished a great deal. I know my friend might quarrel with that, but we have managed to roll back taxes, we have cut regulation, we have passed a balanced budget agreement, in conjunction with the President.

We have expected the President to adhere to the requirements of that balanced budget agreement, and I think one of the reasons we stand here tonight is because the balanced budget agreement has not been adhered to by the President. As I noted earlier, the President signed that budget agreement.

We have set caps for the discretionary spending, that which goes through the appropriations process for departments, agencies, and programs. Last year we knew that we were on a glide path that would be difficult to meet, and the President in fact did not meet it, but he expected the Congress would pass tobacco taxes and all sorts of additional taxes and user fees to meet his additional agenda that he proposed in February when he addressed us in the State of the Union speech.

We do not have that extra money. We would expect the President to come to us early in the process and say, if we do not have that extra money, here is how I expect to get some of my other initiatives fulfilled. Certainly that is a negotiating process. We would never expect the President to get all of his initiatives fulfilled, any more than we would expect to get all of ours imposed upon him in an equal negotiation, but we have not had an equal negotiation.

We have had our cards on the table for days, weeks, months. The President knows, his people know where we are on appropriations bills, and just only 2 hours ago came to us and said they are still not going to give us their offsets, and they are going to parcel out the extra items for spending that he has targeted. That puts us in a tough position.

I would say that it is time to put the politics behind us. I would rely on our accomplishments. My friend, the gentleman from Illinois (Mr. MANZULLO) has given me a long list of fiscal accomplishments which I think is so good I would like to include them in the RECORD at this point.

The material referred to is as follows:

TOP TEN FISCAL ACCOMPLISHMENTS

(1) Most families with children will save $400 in taxes per child in 1998 and $500 thereafter. That amounts to over $100 million dollars in each congressional district that the taxpayers get to keep.

(2) Most families with children in the first two years of college will be able to use money for college expenses that otherwise would have gone for taxes and can now set up educational savings accounts whose profits are tax free.

(3) Most Americans who buy and sell stocks, or who sell a piece of real estate, will save considerably on their taxes.

(4) Most Americans who bell their principal residence won't have to pay one dime of capital gains taxes.

(5) Many children of farmers and small business owners who want to inherit their parents' property and businesses will pay less or no death taxes.

(6) Small business owners will be able to deduct a greater share of health and accident insurance premiums, and be able to write off a greater amount of money for new equipment.

(7) Young people will be able to save easier for a down payment on their first home by our creating a new IRA.

(8) Stay at home spouses will no longer be discriminated against because we changed the IRA laws to allow them to participate.

(9) People can save $2,000 a year in retirement IRAs paid for by after tax dollars so that every cent earned is tax free at retirement.

(10) In 1993 President Clinton gave us the biggest tax increase in history, but now most Americans have received a tax cut and a Balanced Budget Act that will stop deficit spending and pay off the national debt.

Mr. LIVINGSTON. Mr. Speaker, I hope Members understand that it is important that we complete our business, that it is important that we finish the appropriations process, that we work out a mutually agreeable negotiation with the President and his representatives, that he sign the appropriations bills, either within their individual context or within an omnibus bill, gathering those bills left unattended, and that once signed, we can complete the work of this Congress and go back and campaign for reelection.

I do not have an opponent this year. I am happy to tell the Members that if we cannot get the President to give us his numbers and show us his cards and enter into a negotiation, I am prepared to stay here.

I know that is going to inconvenience a lot of Members, Republican and Democrat. I do not think that the vast majority of Members want to stay here past tonight, let alone Monday or next Friday or next month, but if necessary, it will not bother me. I will just be here. I will just plug along.

I hope that one day, whether it is today or tomorrow or Sunday or Monday or next week, one day, that the representatives of the Office of Management and Budget will say, okay, here is what we want and here are our offsets, and here is how we are going to pay for it. We will take this, they will take that, we will wrap it all up, get the President to sign it, and we will go home.

If not, I will just stay here. We will not close the government. We are not going to have any shutdowns. We are just going to keep on plugging and do our business. If the President wants to posture in the Rose Garden, I will go run upstairs into the press gallery and I will answer his posturing. If he wants to get down to business, we will roll up our sleeves and we will get down to business. Hopefully, that is what we will opt for. We will in fact complete the people's business. We will do it soon. That demands that we first vote for this continuing resolution.

We are not going to be able to complete our business tonight, unfortunately, but we might, we might successfully complete our business by Sunday or Monday, at the latest. That is why we are asking for this continuing resolution to be passed and signed into law, to give us the time that we need to do our job, working with the White House and our colleagues on both sides of the aisle. That is why I ask for a yes vote on this three-day continuing resolution.

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

The SPEAKER pro tempore (Mrs. EMERSON). The joint resolution is considered as read for amendment, and pursuant to the order of the House of today, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. LAHOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 511]

YEAS—421

Abercrombie	Ballenger	Bereuter
Ackerman	Barcia	Berry
Aderholt	Barr	Bilbray
Allen	Barrett (NE)	Bilirakis
Andrews	Barrett (WI)	Bishop
Archer	Bartlett	Blagojevich
Armey	Barton	Bliley
Bachus	Bass	Blumenauer
Baesler	Bateman	Blunt
Baker	Becerra	Boehlert
Baldacci	Bentsen	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
Clayton
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
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
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
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
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
Riggs
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
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
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
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Berman
Frank (MA)
Inglis
John
Kennelly
Manton
Mollohan
Nethercutt
Poshard
Pryce (OH)
Smith (MI)
Tierney
Yates

□ 1824

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–805) on the resolution (H. Res. 588) providing for consideration of the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE AND PROVIDING FOR MOTIONS TO SUSPEND THE RULES

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–806) on the resolution (H. Res. 589) waiving a requirement of clause 4(b) to rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The chair announces that any rollcall votes on suspensions will be postponed until tomorrow.

HOUR OF MEETING ON TOMORROW

Mr. CASTLE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. CASTLE. Madam Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

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

There was no objection.

□ 1830

LITTLE ROCK NINE MEDALS AND COINS ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2560) to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas, as amended.

The Clerk read as follows:

H.R. 2560

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 "Little Rock Nine Medals and Coins Act".

TITLE I—LITTLE ROCK NINE GOLD MEDALS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress hereby finds the following:

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry.

(2) The Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country.

(3) The Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation.

(4) The Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible".

(5) The Little Rock Nine have indelibly left their mark on the history of this Nation.

(6) The Little Rock Nine have continued to work towards equality for all Americans.

SEC. 102. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient

(c) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1997, there are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 103. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 104. NATIONAL MEDALS.

The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE II—GERALD AND BETTY FORD GOLD MEDAL

SEC 201. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

SEC. 202. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 201 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 201 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 203. NATIONAL MEDALS.

The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE III—JACKIE ROBINSON COMMEMORATIVE COINS

SEC. 301. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

TITLE IV—$1 COIN DESIGN EVALUATION

SEC. 401. COMMISSIONING OF STUDY REQUIRED.

(a) IN GENERAL.—The Comptroller General of the United States shall commission, on a reimbursable basis, a study, similar to the study conducted under section 302 of the United States Commemorative Coin Act of 1996, to compare the relative acceptance by the public and the fiscal impact on the Treasury of the United States of the use of the image of Sacajawea on the obverse of the new $1 coin with that of the relative acceptance by the public and the fiscal impact on the Treasury of the United States of the use of the image of the Statue of Liberty.

(b) DESIGN AND SCOPE OF STUDY.—The study required to be commissioned under subsection (a) shall—

(1) be designed by the Comptroller General, in consultation with the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Secretary of the Treasury, and the Director of the United States Mint;

(2) be conducted by private sector consultants selected by the Comptroller General on the basis of their education, training, and experience;

(3) measure the estimated acceptance of each image, including an estimate of the number of potential sales of proof, uncirculated, and other qualities of coins bearing each such image;

(4) estimate the number of coins bearing each such image which would be removed from circulation for collections or as souvenirs by both formal and informal numismatists and other collectors, as well as tourists; and

(5) examine the financial impact which could flow from other factors that might influence the choice of an image for the obverse of the coin.

(c) INCLUSION OF FOCUS GROUPS AND INTERESTED ASSOCIATIONS.—In carrying out the study required under this section, the consultants selected by the Comptroller General shall—

(1) convene groups consisting of individuals representing a broad cross-section of the populace for purposes of testing the relative acceptance of the 2 images; and

(2) consult with the American Numismatic Association and the Coin Coalition, as well as any marketing organization or operator of a sales location which might sell proof, uncirculated, and other qualities of the new $1 coin.

(d) REPORT.—

(1) IN GENERAL.—A report on the study shall be completed and submitted to the Congress before January 31, 1999.

(2) CONTENTS.—The report submitted pursuant to paragraph (1) shall contain the findings and conclusions of the consultants conducting the study and the Comptroller General, together with such recommendations as the consultants and the Comptroller General determine to be appropriate.

(e) FUNDING.—Not to exceed $350,000 of the costs of the study required under this section shall be reimbursed by the Secretary of the Treasury from the United States Mint Public Enterprise Fund.

TITLE V—LEIF ERICSSON MILLENNIUM COMMEMORATIVE COIN

SEC. 501. SHORT TITLE.

This title may be cited as the "Leif Ericsson Millennium Commemorative Coin Act".

SEC. 502. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In conjunction with the simultaneous mining and issuance of commemorative coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericsson, the Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 503. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 504. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic

of the millennium of the discovery of the New World by Leif Ericsson.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2000"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Leifur Eiríksson Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 505. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning January 1, 2000.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2000.

SEC. 506. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this title shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—All surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary to the Leifur Eiríksson Foundation for the purpose of funding student exchanges between students of the United States and students of Iceland.

(c) AUDITS.—The Leifur Eiríksson Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation under subsection (b).

SEC. 507. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

Madam Speaker, I rise in support of 2560, the Little Rock Nine Medals and Coin Act. This bill directs the production of nine Congressional Gold Medals on the occasion of 40th anniversary of the integration of Central High School in Little Rock, Arkansas, by Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford and Jefferson THOMAS, known as the "Little Rock Nine."

The gentleman from Mississippi (Mr. THOMPSON) has worked hard as the House sponsor to obtain 299 co-sponsors for this measure.

The rest of the amendment to this bill represents what has become a regular function of reconciling our coin legislation with that of the Senate. It includes the Gerald and Betty Ford Congressional Gold Medal, which had already passed this House by a wide margin but was used as a vehicle by the Senate to transmit their priority coin programs. It accepts these Senate priorities by granting the Robinson Foundation a limited opportunity to make a bulk purchase of authorized but unsold Jackie Robinson commemorative coins. It provides for a study to ensure successful public acceptance of the new one dollar coin.

Finally, it enacts the Citizens Commemorative Coin Advisory Committee recommendation in favor of the bill of the gentleman from Iowa (Mr. LEACH) to commemorate the millennium of Leif Ericsson's voyage of discovery by jointly minting coins with Iceland.

I urge the immediate adoption of H.R. 2560.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of this legislation. This is good legislation. The Little Rock Nine is a very profound demonstration, I think, of the human spirit as they climbed not just those steps in Little Rock, Arkansas, but climbed into the history and raised the consciousness of this country in terms of the civil rights movement and the need, in our diverse population, for integration, to work together.

I would further like to comment, Madam Speaker, on the issue of the other medals in terms of recognizing Jackie Robinson for his significant role in terms of athletics and his outstanding role as an athlete but, most importantly, as an American.

I also, of course, would be remiss if I did not recognize President Gerald FORD, and Betty Ford, for their work here and, of course, on the eve of Columbus Day, October 12, to recognize Leif Ericsson. I know that many of my constituents in Minnesota would endorse the recognition that he is receiving here, in spite of my efforts to teach a more poignant aspect of history with regards to the discovery of North America.

At the request of the gentleman from Minnesota (Mr. SABO), I have actually sponsored this. Now, there is real bipartisanship and working together, Madam Speaker.

Madam Speaker, I am very pleased that we are here on the floor today considering legislation to award the congressional gold medal to those individuals known as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas.

I would like to commend Congressman Bennie Thompson for introducing this bill and his tireless work and commitment to see it become law.

The bill will authorize the President to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas.

These individuals advanced the struggle for civil rights in this country by their heroic efforts to integrate Central High School.

When these courageous young people climbed the stairs of Central High School on September 25, 19957 and they climbed into the civil rights history of your Nation, they forced this country to face its racial segregation.

They themselves did something about it and challenged our Nation to face up to the issue of justice.

I am also pleased that this bill includes a provision to extend the Jackie Robinson Commemorative Coin Program so that the Jackie Robinson Foundation can continue to purchase these coins until January 1, 1999.

I would like to thank Chairman CASTLE and the work of others like Congressman MEEKS who worked to ensure that we properly honor this American sports hero and legendary African-American.

With this bill we also authorize the presentation of a presidential gold medal to President Gerald and Betty Ford as well as the Leif Ericsson Millennium Commemorative Coin Act. I'm sure many of my Minnesota constituents will endorse this recognition as I have at Congressman SABO's request.

Madam Speaker, I reserve the balance of my time.

Mr. VENTO. Madam Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. THOMPSON), my good friend from the other end of the Mississippi, who has sponsored the underlying provision with regards to the Little Rock Nine.

Mr. THOMPSON. Madam Speaker, on September 25, 1957, nine African American high school students voluntarily risked their lives to remind us of the basic American principles. When Jean Trickey, Carlotta LaNier, Melba Beals, Terrence Roberts, Gloria Karlmark, Thelma Wair, Ernie Green, Elizabeth Eckford and Jefferson Thomas stepped onto the campus at Central High School in Little Rock, Arkansas, they forced our country to admit that segregation is an abomination to every democratic principle and every freedom we enjoy as Americans.

Make no mistake, this is about race. It is about all the valiant men and women who fought in and are still fighting in our Nation's struggle to recognize the civil rights of every American.

By passing H.R. 2560 and bestowing the highest award Congress can present to civilians on the Little Rock Nine, Congress is sending an historic, significant message. It is important for that little boy to be able to play baseball on the lighted field, and it is equally important for all Americans to recognize men and women who made that seemingly small feat possible for a small town boy in Arkansas.

Today, our Nation has a solemn and long overdue thanks. Thanks to the civil rights pioneers who blazed a trail through the wilderness of racial discrimination to lead our Nation, kicking and screaming at times, down the path of justice and equality.

I might add, Madam Speaker, it is long overdue. These individuals who are now all in their mid-fifties have paid a tremendous price. Some of them are on disability. Some of them are very successful. Nonetheless, by awarding this commemorative coin, we now recognize the work that they did.

Mr. VENTO. Madam Speaker, I ask unanimous consent to yield the balance of the time to the gentleman from Mississippi (Mr. THOMPSON) to manage that time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I am very pleased to address the portion of this bill which honors the thirty-eighth president of the United States, Gerald R. Ford and his wife Betty. We previously passed that portion of this bill, but it was under unanimous consent, and we did not have an opportunity for debate.

The thirty-eighth president, Gerald R. Ford, has long been noted for his successful efforts to heal this Nation after a previous impeachment drama that we dealt with. Our Nation owes him a great debt of gratitude for his unprecedented work in carrying us through that most difficult period, for restoring and healing and stability in this Nation.

This is a particularly appropriate year to recognize him. It is the year of President Ford's 85th birthday. It is also the year of the 80th birthday of Betty Ford, who in her own right deserves recognition. Her name is also included on the medal, due to her work in publicizing the dangers of breast cancer and vastly increasing public awareness of this terrible disease in this Nation.

Her work with the Betty Ford Clinic also has earned her a place of recognition on this medal.

In addition to those two birthdays, this year we also celebrate their 50th wedding anniversary, as well as the 50th anniversary of President Ford's election to this House of Representatives, where he served very ably for 25 years and, in fact, became the minority leader for a number of years.

In addition to that, this is the 25th anniversary of the year that President Ford acceded to the vice presidency of the United States of America. As we all know, he did a marvelous job as vice president and president and put this Nation on the right course for years to come.

In recognition of the accomplishments of both President Ford and his wife Betty, and in recognition of all that he has done for this Nation, I urge all members to vote for this bill.

□ 1840

Mr. CASTLE. Madam Speaker, I ask unanimous consent that the balance of my time to manage this legislation be turned over to the gentleman from Oklahoma (Mr. LUCAS), another member of the committee.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Speaker, last night on this floor by unanimous consent agreement a bill was passed, Senator BUMPERS' Senate bill to include Little Rock Central High School and the surrounding neighborhood as a national historic site, as part of our national park system, to recognize the historical significance of the events that occurred in the school year 1957–1958 in Little Rock, Arkansas, at Central High School. I am proud to have been a cosponsor of that bill and to be a cosponsor of this bill.

As I went around getting cosponsors with the gentleman from Mississippi (Mr. THOMPSON) and others for this recognition bill of the Little Rock Nine, all you had to say to other Members is, "This is Central High School, 1957, Little Rock Nine." We are very much aware that the eyes of the world were on Central High School at that event.

What was the event about? It was about nine kids, nine children who put up with events that the rest of us have never had to put up with in our life. Melba Patillo has a book out the last several years called "Warriors Don't Cry." That is what this was for these nine kids, these nine children as they were fighting our battles, the battles of America during this school year in 1957.

This photo right here is Elizabeth Eckford, one of the Little Rock Nine, in 1957 who found herself alone in the middle of a mob one day at school. This one right here is Hazel Massery who was a 15-year-old student at the time. This photo seared the world with a picture of bigotry. They were beaten, they were kicked, they were tripped, they had food thrown on them, they had verbal insults. Worst of all, they feared for their lives. It changed their lives but it also changed the lives of the rest of us and of our Nation.

This is a photo from 1997, the 40th anniversary of the desegregation of Central High School. This is Elizabeth Eckford, 40 years later, and this is that 15-year-old girl who had such a look of hatred and bigotry on her face 40 years ago. I am very pleased to be part of the recognition of the Little Rock Nine and their courage. It is very, very important that we recognize what they went through. I was in the Marine Corps in Vietnam. We had the opportunity to earn medals. There were no medals given in 1957 and 1958 for the sacrifices that the Little Rock Nine went through.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding me this time. I want to congratulate my colleague from Arkansas for his work on this and so many others. Forty-one years ago, nine youths walked through the doors of Little Rock Central High School and forever changed American culture. The Little Rock Nine as they are known today forced this Nation to examine its soul and decide whether ours would be a society of hostility and division or a society of tolerance and unity. The images of those youths facing an angry and defiant mob at the door of Central High are forever burned into our national consciousness. They are images of fear and hesitation. They are images of a crossroads in our Nation's history. While we cannot and should not ever forget those painful images of four decades ago, we should today celebrate the fact that this great Nation made the right choice and took the right path. We decided that ours would be a Nation of unity, not division; a Nation of tolerance, not hate.

Madam Speaker, all Americans today owe a debt of gratitude to those nine youths who forced this Nation to look inward and make that decision. For that, I am proud to rise today in support of this legislation to award them the Congressional Gold Medal.

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

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman for yielding me this time. When the Little Rock Nine walked in the door, I was a 16-year-old college freshman at Arkansas AM&N College. It is so delightful to see an opportunity, they are contemporaries of mine. Ernie Green. Mrs. Patillo actually was a teacher at the Scipio A. Jones High School when I did student teaching. That is Melba

Patillo's mother. Minnie Jean Brown was my mother's favorite of the nine. Each day after the news, she wanted to find out, what did Minnie Jean Brown do that particular day.

Daisy Bates really ought to be in this group, because she emerged as a leader among leaders at that time. Attorney Wiley Branton from Pine Bluff who ultimately became an attorney for the national NAACP. Dr. Flowers, Attorney Flowers, all of those who played a role, I am simply pleased to join with others who feel that the time has come to say to the Little Rock Nine and all of those involved in that particular situation, that they too played a major role in the civil rights development in this country during the 1950s and 1960s which have brought us to this point today.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY) who did a lot of work to get this bill to where it is now.

Mr. BERRY. Madam Speaker, I want to thank my colleague from Mississippi for this time and congratulate him and my colleague from Arkansas and many others who have made this evening possible.

I rise today in support of H.R. 2560 and also to pay tribute to nine people who showed America what it means to be courageous. This legislation will award the Congressional Gold Medal to nine people who 40 years ago stepped into a school and changed history forever. We all remember the day when the nine young people faced an angry mob of segregationists to voluntarily integrate Central High School in Little Rock, Arkansas. These young people became symbols to all of us of what it means to be courageous, honorable and exceptionally brave.

This legislation honors Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford and Jefferson Thomas for making our country a better place to live. Although they probably did not know it at the time, those people who were only children in 1957 taught all Americans a valuable lesson: Stand up for what you believe in. Be courageous and proud. Those nine people deserve the Congressional Gold Medals for what they did. That is why every Member should support this legislation.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Madam Speaker, it has come to my attention this summer, in the heat of the Sosa-McGwire home run race, that the Jackie Robinson Commemorative Coin program was set to end on June 30, 1998. This program has been a source of pride for Americans as we have recognized a true American hero. Mr. Robinson's breaking of the race barrier in professional sports in many aspects signaled our country's drive to equal justice and equal treatment under the law. Moreover, his life's story is indicative of Americans striving to defeat high odds, and his achievements represent the best that this country has to offer. These reflections on his contributions to baseball and indeed his contributions to America were the foundation of our enactment of coin legislation to pay homage to Mr. Robinson.

It is with dismay that I learned of the legislative history behind this important program and I was obligated in part to defend this program since it was a program that my predecessor Reverend Floyd Flake helped implement.

□ 1850

For those of my colleagues who do not know, this extension is necessary because of the allocation of Jackie Robinson surcharges, the Botanical Gardens Coin Program. I recognized the political agendas at the close of the 104th Congress required this arrangement. However we also recognize today the Jackie Robinson Program has suffered because of the arrangement. Today's legislation, in addition to honoring the Little Rock Nine on whose shoulders I also stand, allowed the Jackie Robinson Foundation to buy the remaining stock until January 1, 1999. It will then be free to resell these coins to help further the foundation's educational mission.

I, therefore, urge the adoption of H.R. 2560 and extend my gratitude of thanks to Senator D'AMATO, who, with Congressman Flake, created this program, and I also extend my appreciation to the gentleman from Delaware (Mr. CASTLE), the gentlewoman from California (Ms. WATERS) and the gentleman from Mississippi (Mr. THOMPSON) for their efforts in bringing this legislation to the floor today.

Mr. THOMPSON. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Madam Speaker, I am proud to stand tonight with the collective forces on both sides of the aisle to give tribute to nine children, nine children who courageously, yet fearfully, stood in the doors of Central High School to say that we must change the culture of this society, we must change the culture of schools, high schools in this country and all schools.

As a former teacher, I can recognize how important it is to ensure that quality of education, irrespective of race, be given to every child across this country. I have seen and have followed their careers, and they have positioned themselves in many endeavors, but clearly have positioned themselves as outstanding Americans.

I had the pleasure of traveling with Ernie Green this last March when we travelled with the President to Africa. This outstanding man has no remorse. He serves his country with dignity and serves his country with distinction.

If it is not but one thing we can remember, and that is that we must all contribute something to make this country a better world, a better life for our children, for all Americans.

Let me thank the gentleman from Mississippi (Mr. THOMPSON), the gentleman on the other side of the aisle, my dear friend, and all who played a tremendous part in bringing these outstanding Americans to the floor. To give them a Congressional Medal of Honor would be the highest mark of saying thank you.

To Betty Ford and all the others who will be receiving one, we congratulate them as well.

Mr. THOMPSON. Madam Speaker, I yield 1 minute to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the gentleman from Mississippi (Mr. THOMPSON), one, for his leadership on this issue, and thank my good friends on the other side of the aisle, this has been a collaborative effort; and certainly my colleagues from Arkansas because this is clearly a mark on America's landscape that shares with us the heroics of young people and what they say to America.

This is my tribute to the Little Rock Nine. All of those nine African American students who integrated Central High School in 1957 went on to become college graduates. This is a testimony for America's children. This is certainly a testimony for our African American children of what we can do when we face adversity. And I believe as these young people faced adversity, they opened the eyes of America to excellence, to the value of integration, the value of understanding, the value of commonality, the value of humanity.

All of these members moved away except one, Elizabeth Eckford, who came back, but what is striking is how successful they were.

So I want to pay tribute to them as they have received the Congressional Medal of Honor and to recognize these individuals by name:

Melba Beals, Elizabeth Eckford, Ernest Green, Jefferson Thomas, Gloria Karlmark, Carlotta Walls LaNier, Terrence Roberts, Minnie Jean Brown Trickey, Thelma Mothershed Wair, and certainly to all their family members. We thank them on behalf of America for accepting the challenge that this Nation cannot stand divided.

And might I also congratulate the Jackie Robinson Foundation and family for what this legislation will do for that program as well.

Again, my hat is off to these great heroes of America.

Mr. THOMPSON. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Madam Speaker, I rise to support H.R. 2560. This is certainly legislation which is bipartisan. We thank the sponsor, the gentleman from Mississippi (Mr. THOMPSON), for introducing the bill, certainly congratulate him for his efforts in this regard and to have this kind of legislation move forward.

The Congressional Gold Medals is certainly fitting and proper in all respects, and certainly one that is appropriate, and I rise and ask that it be unanimously adopted, and I hope that my colleagues will agree that this is legislation that is universal, appropriate and certainly about time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

First of all, I would like to say thank you to the gentleman from Mississippi (Mr. THOMPSON) for his efforts to bring this about. It is a very onerous process to work through to have one of these bills become law. It requires many signatures and much effort, and he has shown himself to be truly dedicated to the effort by making this happen.

Second, let me say that this is a wonderful and appropriate reason to strike such a gold medal. When we consider the efforts of these then brave young men and women in 1957 to go places and do things literally in Little Rock that had not been done before, it cannot be understated the danger that they were physically in, the emotional stress that they went through to take that step in the right direction for all of us. They did their part to make this country a better place, to enhance the quality of life and opportunities for everyone in this country, and that is very much deserving of this high honor.

But let me also say for a moment or take a moment to express my appreciation to the chairman of this subcommittee, the gentleman from Delaware (Mr. CASTLE). Most likely this is the last piece of legislation that will come to the floor from the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services of the U.S. House. Mr. CASTLE, that I have had the privilege of serving under as a member of this committee for now almost 4 years, has worked diligently in a variety of areas. There have been many concerns among those coin collectors out there in days gone by over how various commemorative programs were handled and how various expenses were affecting the United States Treasury. Mr. CASTLE has worked diligently to bring some rhyme or reason, some sanity to all of those programs. So he is owed in that right a huge debt of gratitude by all of us.

Of course Mr. Flake, the ranking member at the beginning of this session of Congress, and now the gentlewoman from California (Ms. WATERS), the ranking member on the subcommittee at the conclusion, have worked their part also, but I must say to the gentleman from Delaware (Mr. CASTLE), the progress that he has begun in this subcommittee of winning back the faith of those coin collectors out there who we all know are the main source of purchasers of the various numismatic items that we offer from the United States Treasury as a result of many of these pieces of legislation, have to have those issues and concerns addressed.

So with that I thank the gentleman from Mississippi (Mr. THOMPSON) for his efforts, thank those brave, maybe not quite as young now as they were 40 years ago, young men and women who took those brave and bold steps to make this country, this world, a better place for all of us and for the generations that will come after them.

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

□ 1900

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 2560, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the President to award gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the 'Little Rock Nine,' and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LUCAS OF OKLAHOMA. 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. 2560, the bill just passed.

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

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. OBERSTAR. Madam Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a Question of Privilege of the House.

Madam Speaker, the form of the resolution is as follows:

RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced;

Wherease the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely

monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Minnesota (Mr. OBERSTAR) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. OBERSTAR. Madam Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman will be afforded that opportunity at that time.

Mr. OBERSTAR. I thank the Speaker.

THROTTLING CRIMINAL USE OF GUNS

Mr. McCOLLUM. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 191) to throttle criminal use of guns, as amended.

The Clerk read as follows:

S. 191

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through the end of paragraph (1) and inserting the following:

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years;

"(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

"(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) In the case of a second or subsequent conviction under this subsection, the person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

"(D) Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed."; and

(2) by adding at the end the following:

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.".

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 191.

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

There was no objection.

Mr. McCOLLUM. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, I am proud today to bring S. 191 before the House. With the passage of this legislation, we take an important step in the battle against firearm violence in America. Support of this legislation today offers Members an opportunity to send a clear message to violent predators that the criminal use of guns will not be tolerated.

The Senate passed S. 191 on November 13, 1997, and the House passed its companion legislation, H.R. 424, on February 24 of this year by a vote of 350 to 59.

The version I now bring to the floor represents a compromise between the House and the Senate. This legislation will have a significant impact on the number of violent criminals behind bars, and I am extremely pleased that we are able to come to an agreement before adjournment.

Madam Speaker, criminals who use firearms to commit violent crimes and drug trafficking offenses demonstrate the ultimate indifference to human life. The risks for law enforcement, and the potential for harm to innocent bystanders, are dramatically increased when criminals wield guns.

Criminals who carry guns while committing serious crimes are making a clear and unequivocal statement to the world, I will hurt you or kill you if you get in my way. Such persons should be punished severely, and that is what this legislation will do.

Consider these frightening facts. According to the National Institute of Justice, 37 percent of arrestees in 11 major urban areas admitted to owning a gun. Even more astonishing, and terrifying for the country, is that a shocking 42 percent of admitted drug sellers and 50 percent of admitted gang members further confess to using a gun to commit a crime. Madam Speaker, these are just the ones who are willing to admit to such criminal behavior.

S. 191 amends section 924(c) of title 18 of the United States Code. Currently, that section allows for additional time in prison for any person who uses or carries a firearm during and in relation to the commission of a Federal crime of violence or drug trafficking crime.

Section 924(c) is a very significant and frequently used tool for Federal prosecutors. According to the U.S. Sentencing Commission, there were 10,576 defendants sentenced from 1991 to 1996 under this section.

This is an opportunity for the Federal authorities to take somebody who is a known criminal off the streets and lock them up for a considerable period of time by an enhanced penalty provision that all of us should be pleased to have on the books.

But in December of 1995, the Supreme Court significantly limited the effective use of this Federal statute by holding in Bailey versus the United States that in order to receive the penalty enhancement for use of a firearm, the government must demonstrate active employment of the firearm. In so stating, the Supreme Court overturned the Justice Department's long-standing practice of applying this penalty to dangerous criminals whose firearms further or advance their criminal activities.

The impact caused by the Bailey decision was immediate. Federal prosecutors have been less able to utilize this section of the code. Moreover, drug dealers and other bad actors have been successful in having their convictions overturned on the basis of an erroneous jury instruction regarding the "use" prong of the "use or carry" test.

This legislation clarifies Congress' intent as to the type of criminal conduct which should trigger the statute's application. The bill strikes the now unworkable "use or carry" element of the statute, and replaces it with a structure which allows the penalty enhancement for possessing, brandishing, or discharging a firearm during and in relation to a Federal crime of violence or drug trafficking crime.

It is also important to note that this bill will not affect any person who merely possesses a firearm in the general vicinity of a crime, nor will it impact someone who uses a gun in self-defense.

A bill containing nearly identical language to H.R. 424 passed the House in the last Congress, and the gentlewoman from North Carolina (Mrs. MYRICK) introduced the bill that we have taken up before previously this year, H.R. 424, during the first days of the 105th Congress. I am very grateful for her for her continued dedication to ensuring the passage of this legislation.

Section 924(c) is a critical tool in our fight against gun-toting criminals. Yes, this is a tough bill, but I believe it is exactly what we need in response to the menacing threat of the vicious gun crimes that are committed around the country.

□ 1910

We need to pass this bill. It is, as I said earlier, a compromise with the Senate, it is a good bill, it is a solid bill, it corrects the Bailey problem and will allow law enforcement to once again use this very effective tool for locking up criminals and throwing away the key for a long period of time if they are using a gun, possessing in the course of a crime a gun, or certainly brandishing or discharging that gun.

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

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

Mr. Speaker, I stand in opposition to the bill, S. 191, which is similar to a piece of legislation, H.R. 424, passed by this body earlier this Congress. That version contained penalties for drug offenders which were 6 times greater than the penalty for rape and 7 times greater than the penalty for voluntary manslaughter. Although the Senate version is not as egregious as that, I still cannot in good conscience vote for a measure containing ridiculous mandatory minimums.

I oppose this legislation for several reasons, the most important of which is the absolutely outrageous mandatory minimum penalties attached to the bill. Five years for possession of a gun, 7 years for brandishing a gun, and 10 years for discharging the gun. This means if someone is convicted of possessing 5 grams of crack and is found to have possessed a gun at the time, he will receive a mandatory 5-year sentence for the crack and another 5 years for the gun, a total of 10 years. If that individual opens a coat to display a gun tucked in under his belt during the course of a drug sale, he will receive a mandatory 7-year sentence in addition to the 5 years for crack, for a total of 12 years.

Let us compare these penalties to the penalties for other crimes. For instance, voluntary manslaughter carries a penalty of 5 years; aggregated assault, less than 2 years; assaulted with intent to murder, less than 3½ years; rape, under 6 years; kidnapping, approximately 4 years. Does that make sense? Two years for serious assault, 3½ years for assault with intent to murder, 4 years for kidnapping, 6 years for rape, and 10 years mandatory minimum for possessing a gun in connection with a small-time crack sale where no one is injured. This type of legislation and these ludicrous penalties demonstrate that we have truly run amok when it comes to crime legislation.

Mr. Speaker, this is why we have a Sentencing Commission. The Sentencing Commission can take the politics out of sentencing and put some common sense in. So I urge my colleagues to demonstrate some common sense and vote against this legislation.

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

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the author of this fine legislation.

Mrs. MYRICK. Mr. Speaker, I rise in support of S. 191. This is Senator JESSE HELMS' companion to my H.R. 424, which passed the House on February 24 by an overwhelming vote of 350-to-589. As written, the Federal Criminal Code imposes a 5-year mandatory sentence when a felon uses or carries a firearm during the Commission of a violent crime or a drug trafficking offense.

In the 1995 case of Bailey v. United States, though, the Supreme Court interpreted the word "carry" in the Federal criminal code to mean that a felon must fire or brandish his weapon. This is clearly contrary to Congress's intent, and it has resulted in the early release of hundreds of dangerous criminals.

To put a stop to this mess, S. 191 clarifies that a criminal who possesses a gun while committing a violent crime or a drug crime will face a mandatory sentence. And at the same time, the bill increases the mandatory sentence for such crimes.

Mr. Speaker, I am a strong defender of the second amendment, but no American has a right to go out and use a gun to commit a crime.

Indeed, the National Rifle Association has endorsed S. 191 because they recognize the best way to protect our second amendment rights is to punish those who use their guns to rape or murder or traffic in drugs. The bill also has been endorsed by the Fraternal Order of Police and the Southern States Police Benevolent Association.

The message is clear: Commit a crime while possessing or brandishing a firearm, and you will go to prison for a very long time. We cannot send that message too strongly or too often.

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

Mr. Speaker, I just want to point out as we close the debate on this that the minimum mandatory sentence in this bill for possession will be 5 years. The minimum mandatory for brandishing the firearm will be 7 years; the minimum mandatory for discharging the firearm in the commission of another crime will be 10 years. Those are enhancements on top of my underlying sentence for a crime that is committed with a gun, and in the case of a subsequent or second conviction of brandishing or discharging, it is 25 years.

I think it is important to put that on the record, because this is the compromise that is different, considerably different from the House version and different from the Senate version as well.

Mr. Speaker, I urge the adoption of this bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the Senate bill, S. 191, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING PART Q OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2235) to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The Clerk read as follows:

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

SECTION 1. SCHOOL RESOURCE OFFICERS.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

"(8) establish school-based partnerships between local law enforcement agencies and

local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;"; and

(2) in section 1709—

(A) by redesignating the first 3 undesignated paragraphs as paragraphs (1) through (3), respectively; and

(B) by adding at the end the following:

"(4) 'school resource officer' means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

"(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

"(B) to develop or expand crime prevention efforts for students;

"(C) to educate likely school-age victims in crime prevention and safety;

"(D) to develop or expand community justice initiatives for students;

"(E) to train students in conflict resolution, restorative justice, and crime awareness;

"(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

"(G) to assist in developing school policy that addresses crime and to recommend procedural changes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) 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 Senate bill now 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, S. 2235 amends the 100,000 "COPS on the Beat" program, established in the 1994 Crime Bill, to permit community policing grants to be used to establish school-based partnerships between local law enforcement agencies and local school systems. The grants would allow for "school resource officers" to operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities. S. 2235 passed the Senate on October 7 and is sponsored by Senator CAMPBELL. The gentleman from Connecticut (Mr. MALONEY) is the sponsor on the House companion bill, H.R. 4009.

Mr. Speaker, the President's "COPS on the Beat" program authorized $8.8 billion over 6 years to give grants to State and local police departments to put 100,000 community-oriented police officers on the beat across the country. As of March 1998, the latest month in which a survey was completed, the COPS office claimed to have funded 71,000 of those police officers. Approximately 40,800 are actually hired and deployed on the streets. About 2,400 more are in training.

The remaining 29,000 are officers counted under the "COPS M.O.R.E." program, which funds technology and equipment and is believed to increase policing activities and police presence on the streets. These grants have been counted towards the 100,000 goal, not because grants have been used to pay police officers' salaries, but because technology and equipment purchased has supposedly freed up officers for the streets.

While the COPS program was specifically authorized by Congress to fund 100,000 community police officers, broad interpretation of the Act has allowed the Justice Department to fund several other initiatives through the COPS program. Some of these programs include grants to employ community policing to address domestic violence, grants to communities to address gang violence, and grants to support law enforcement efforts to combat the rise of youth firearms violence.

Mr. Speaker, the bill we are considering today will allow for the COPS grants to be used to put community police officers in our Nation's schools. It will allow school officials and law enforcement to better identify young people who cause trouble frequently, both in the school and in the community.

It is a sad reality that many of today's schools are becoming increasingly dangerous places to be. Schoolyard brawls have become lethal confrontations involving knives, guns or drugs. Recent school-related shootings serve as a sobering example of just how urgent the situation has become. Rather than providing our children with a safe place to learn or to grow, many of our schools have become combat zones.

A look at crime statistics show that while murder rates for young people may be declining, the schoolyard murder rate has almost doubled in the last 2 years. Mr. Speaker, 25 students have been killed in U.S. schools since January 1998.

□ 1920

This is unacceptable. No child in America should go to a school in fear of her safety or his safety and well-being. The fact is that we are going to have a demographic shift shortly. We are going to see a rise in the number of young people in the age group which might be exposed to these situations, and this bill is all that much more important for that reason.

The bill would allow schools to establish partnerships with local law enforcement to provide much-needed order to allow for learning, not violence, to occur in schools.

I support this addition to the COPS program. I think it will improve the existing law. I commend the gentleman from Connecticut (Mr. MALONEY) and Senator CAMPBELL for their initiation of this legislation.

I am pleased the Subcommittee on Crime supports this, albeit we did not have the opportunity to bring it forward through the subcommittee this year, but we have chosen to come directly to the floor, because it is a very good bill. I do not think anyone would oppose it. I urge my colleagues to vote for it.

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

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

Mr. Speaker, I rise in support of H.R. 2235. In response to the rising tide of violent crime in and around schools around this Nation, Congress must step up our fight against juvenile crime, particularly those initiatives that come from a prevention perspective.

This legislation would amend the Omnibus Crime Bill and Safe Streets Act of 1968, encouraging school-based partnerships between local law enforcement agencies and local school systems. School-based partnerships would be eligible to receive Federal funds to hire school resource officers or SROs.

An SRO would be a career law enforcement officer with sworn authority, deployed in community-oriented policing and assigned to the deploying police department or agency to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs and drug activities affecting or occurring in or around elementary schools or secondary schools, develop or expand crime prevention efforts for students, educate likely school-age victims in crime prevention and safety, develop or expand community justice initiatives, train students in conflict resolution, restorative justice, and crime awareness, assist in the identification of physical changes in the environment that may reduce crime problems, and/or assist in the development of anticrime school policy and procedural changes.

This legislation complements an existing school-based partnership research grant program administered by the Community-Oriented Police Services, or the COPS program. The existing program funds demonstration efforts on particular singular solutions to youth crime and violence. The proposed legislation would explicitly allow COPS program resources to be used in general school-based partnership SRO efforts.

This statutory language is vital to clearly articulate the importance of fighting juvenile crime, and will be essential in establishing the fight against juvenile crime as a national priority.

President Clinton recently announced that the same community policing techniques that are helping make our streets safe again are the best way to help keep our schools safe. This legislation is an important step in making our schools safe for our children.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MALONEY), the chief sponsor of the legislation.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to urge passage of Senate bill 2235, which is the Senate companion to H.R. 4009, the School Resource Partnership Act. I would like to thank the gentleman from New York (Mr. SCHUMER) and the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for their help in this matter, and I would also like to commend Senator BEN NIGHTHORSE CAMPBELL for his tireless work in support of this legislation.

As this Congress comes to a close, the new school year is just beginning. Children around the country are heading to school, seeing old friends, and making new ones. They are learning new ideas and sharing new experiences. We trust our schools with the future and safety of our children. The rash of school-related shootings and violence that have occurred in both small towns and large cities, rural areas and urban centers, have shocked the Nation. We in Congress must act to ensure that our schools provide a safe place for our children to grow and to learn.

Over the past 18 months, throughout my congressional district, I have held a series of meetings with local police chiefs, school superintendents, teachers, and principals to discuss strategies that are working to reduce school violence and to find ways Congress can better assist the local leaders in their fight to protect the community.

Placing a uniquely trained community police officer in partnership with schools to reach out to kids before they get drawn into crime or violence was the clear suggestion I repeatedly heard in my numerous meetings with local law enforcement and education officials.

As a result of these meetings, I introduced in the House this legislation, that will enable localities to place a School Resource Officer, also known as an SRO, in designated schools, forming a partnership between the schools and police departments that will help keep children safe and provide juvenile intervention before police or court action becomes necessary.

The SRO will serve as a peace officer who prevents violence, a teacher who instructs students in areas of his or her expertise, and a counselor who serves as a liaison to community resources.

Additionally, the SRO will have the opportunity to serve as a role model for today's students, who want and need additional positive influences in their lives outside of their home. Unlike the police officer who responds to school problems as a result of an emergency call from the principal, the SRO regards the school as his or her community. The officer knows the school's physical design and who belongs on campus and who does not. The SRO initiative will also save money, especially for the criminal justice system, by resulting in fewer incidents requiring court action.

My legislation will enable the localities to place a School Resource Officer in appropriately designated schools, forming a partnership between the schools and police departments that will keep our children safe.

Just one example, Mr. Speaker, a school in Wolcott, Connecticut, in my district, on their own resources, has assigned a School Resource Officer now for about a year. During that year, two-thirds, there has been a two-thirds reduction in the number of incidents of a police officer having to respond to the school. This clearly works. This is a service that works, and this is an approach that works to prevent crime, to prevent violence, and to help kids stay out of trouble, make sure they do not get into trouble in the first place.

In addition to this important legislation, we worked hard to include in the FY 1999 Commerce-State-Justice appropriations bill an earmark of $20 million in unobligated funds to be directed for hiring School Resource Officers under the Department of Justice COPS program.

Mr. Speaker, I urge passage of this important legislation.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), who is a former police officer, and one who has worked diligently to reduce juvenile crime.

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

Mr. Speaker, I rise today in strong support of S. 2235, which will take another step to combat school violence. The gentleman from Connecticut (Mr. MALONEY) introduced this bill in the House, and I want to thank him for his leadership on this very important issue.

The bill of the gentleman from Connecticut (Mr. MALONEY) and this bill amends the COPS law to create this uniquely trained community police officer designated to provide early intervention for our children. School-based partnerships would be eligible to receive Federal funding to hire School Resource Officers.

This summer, the Law Enforcement Caucus held two forums on school violence. We heard from experts around the country, including Education Secretary Riley, prevention experts, educators from the Baltimore and D.C. schools, the FBI, Department of Justice, authors, and scholars.

Every participant, every participant at our hearings, although they came from different backgrounds and professions, expressed the same theme: We can fight juvenile crime and school violence with aggressive early intervention, prevention, and education strategies.

Creating a School Resource Officer, as the gentleman from Connecticut (Mr. MALONEY) has proposed, is exactly one kind of a program which will help us achieve peace and safety in our schools. The School Resource Officer is designed to work in cooperation with the schools and community-based organizations to address crimes and disorders in the schools.

Besides being a police officer, the School Resource Officer will also be trained to develop crime prevention efforts with students, educate school-age victims in crime prevention and safety, train students in conflict resolution, and assist with the development of school policies and procedures to help reduce crime. This comprehensive, community-oriented approach to law enforcement is the most effective form of preventing crime, and will go a long way to make our schools safe again.

Schools are places of learning for our children, but schools can only be effective if they are a safe place. Creating a School Resource Officer, as proposed by the gentleman from Connecticut (Mr. MALONEY) is a good step to help us provide a safe environment at school, so that our kids may learn and thrive in the best possible setting.

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Mr. Speaker, I urge strong support of Senate bill 2235, and its passage.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), a former State superintendent of public instruction in the State of North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT), my friend, for yielding me this time.

Mr. Speaker, I rise this evening in strong support of this legislation that will, in my opinion, have a very positive impact on the problem of school violence in this country. I want to thank the gentleman from Connecticut (Mr. MALONEY) for being the sponsor of this legislation on the House side, and I appreciate him allowing me to be a cosponsor.

Mr. Speaker, the recent tragic incidents of violent crime in our schools violate the very values that define us as a people. We cannot tolerate violent crimes no matter where they occur and no matter who commits them. Violent crimes must be punished, and school

violence requires an urgent response, because the aftereffects of school violence poison the learning environment for our children and for our teachers.

These recent incidents must serve as a call to action. Congress must respond with effective means to prevent and combat school violence. The School Resource Officer legislation will help provide the response that is needed to attack the problem of school violence in a very effective manner, in my opinion. This bipartisan bill will apply the proven principles and techniques of community policing to the school environment.

School resource officers are highly trained law enforcement officers with expertise in tackling the unique challenges of school-based crime and violence, and they certainly are unique.

Mr. Speaker, prior to my election to this Congress, as the gentleman from Virginia has just shared, I served for 8 years as the elected State superintendent of schools in my State. North Carolina has pioneered the use of school resource officers to provide our children's safety in our schools.

Mr. Speaker, 78 percent of the high schools in my State now have school resource officers, as do about half of the middle schools. We now have more than 450 school resource officers serving our schools throughout the State of North Carolina. These officers are making a difference in keeping our communities and school environments safe and helping our children have a good learning environment.

North Carolina can serve as a model for the Nation, and this legislation will codify the good work the Justice Department is now doing in channeling law enforcement resources directly into our schools across this land.

It is really very simple. Our children cannot learn if they are not safe. We cannot expect our children to learn geometry if they are scared to death about the possibility of gunfire. We cannot expect our teachers to teach effectively when the scourge of drugs invade their classrooms. And we cannot expect parents to have any faith in our schools as learning institutions without providing them the kind of peace of mind that the schools are free of crime and drugs and violence and gangs.

School resource officers are a tremendous asset to this effort, and this bill will provide a uniform standard, while maintaining local flexibility. Let me repeat that again: A uniform standard with local flexibility.

Congress must respond to the concerns and fears of our students and parents and pass this innovative approach to fighting school crime.

Earlier this year, a report in a national magazine, U.S. News and World Report, documented the success of school resource officers in my State. As the editorial points out, and I quote, "In the past 2 years, reported firearm possessions have dropped 50 percent in North Carolina schools, and principals identify school resource officers as the single most important factor in deterring crime."

I was honored to join my friend and colleague, the gentleman from Connecticut (Mr. MALONEY), as an original cosponsor of the House version of this bill, and I am pleased this legislation has received the support of the National Education Association, the International Brotherhood of Police, and a long list of other groups that I will not categorize here tonight.

Mr. Speaker, I urge this Congress to pass this bill without delay so that we can provide this safety for our children and our teachers in our schools.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY), another distinguished cosponsor of the House version of the legislation.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. The 1st Congressional District of Arkansas knows firsthand the terrible tragedies that can occur in our schools. The school resource officer is a common-sense approach to give our schools the tools they need to get the job done. I compliment the gentleman from Connecticut (Mr. MALONEY) for bringing this bill to the House, and I urge support of this bill and passage.

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS), the gentleman from New York (Mr. SCHUMER) and the gentleman from Florida (Mr. MCCOLLUM) for bringing this expeditiously to the floor. I also thank the various sponsors and cosponsors that have spoken on this bill.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 2235. In response to the rising tide of violent crime in and around schools across this nation, Congress must step-up our fight against juvenile crime from a prevention perspective.

This legislation would amend the Omnibus Crime Control and Safe Streets Act of 1968, encouraging school-based partnerships between local law enforcement agencies and local school systems. School based partnerships would be eligible to receive federal funding to hire "School Resource Officers" (SRO's).

A SRO would be a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations to (1) address crime and disorder problems, gangs, and drug activities, affecting or occurring in or around an elementary or secondary school, (2) develop or expand crime prevention efforts for students (3) educate likely school-age victims in crime prevention and safety; (4) develop or expand community justice initiatives; (5) train students in conflict resolution, restorative justice, and crime awareness; (6) assist in the identification of physical changes in the environment that may reduce the crime problem, and/or (7) assist with the development of anti-crime, school policy and procedural changes.

This legislation complements an existing School-based Partnership research grant program administered by the Community Oriented Policing Services (COPS). The existing program funds demonstration efforts on particular, single solutions to youth crime and violence. The proposed legislation would explicitly allow COPS program resources to be used in general (non-research) school based partnerships/SRO efforts.

This statutory language is vital to clearly articulating the importance of fighting juvenile crime, and will be essential in establishing the fight against juvenile crime as a national priority.

President Clinton recently announced that "the same community policing techniques that are helping to make our streets safe again are the best way to help keep our schools safe."

This legislation is an important step in making our schools safe for our children.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of H.R. 4009 and Senate bill 2235. I became involved in education issues because I see education as an antidote to gangs and guns. But how can our kids realize their full potential if the violence is happening on school grounds?

Sadly, schools are not immune from crime. Incidents in places like Jonesboro, Arkansas and Springfield, Oregon have shown us that every school, in every part the country, must work to prevent violence, and address violence when it happens.

When I visit the schools on Long Island, I see their commitment to keeping students safe. But my schools tell me that they often do not have the resources to fight violence. The more time and energy they need to devote to preventing violence, the less they have to educate students. Teachers and principals should not have to serve as police officers.

H.R. 4009 will provide the tools to help schools and the police work in partnership to keep young people safe. I want to commend my colleague from Connecticut for introducing this bill, and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 2235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BERRY. Mr. Speaker, pursuant to clause 1 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

A resolution in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with the collapse in the domestic demand for steel in these countries;

Whereas the crisis has generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand and Malaysia, have increased by 79 percent in the first 5 months of 1998, compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record levels of 1997, and steel imports from Russia and Ukraine now approach 2.5 million net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including the absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is well-recognized need for the enforcement of United States trade laws to provide an effective response to such situations:

Now, therefore, be it resolved by the House of Representatives that the House of Representatives calls upon the President to:

(1) take all necessary measures to respond to the surge of steel imports resulting from the final crisis in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of the United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools as its disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries from within the Commonwealth of States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States steel imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including the ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

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The SPEAKER pro tempore (Mr. SNOWBARGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed. Pending that designation, the form of the resolution noticed by the gentleman from Arkansas (Mr. BERRY) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. BERRY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman will have that opportunity.

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2193) to implement the provisions of the Trademark Law Treaty.

The Clerk read as follows:

S. 2193

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

TITLE I—TRADEMARK LAW TREATY IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Trademark Law Treaty Implementation Act".

SEC. 102. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this title, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.), shall be referred to as the "Trademark Act of 1946".

SEC. 103. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows:

"SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify that—

"(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

"(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

"(C) the mark is in use in commerce; and

"(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

"(i) state exceptions to the claim of exclusive use; and

"(ii) shall specify, to the extent of the verifier's knowledge—

"(I) any concurrent use by others;

"(II) the goods on or in connection with which and the areas in which each concurrent use exists;

"(III) the periods of each use; and

"(IV) the goods and area for which the applicant desires registration.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

"(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its

trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify—

"(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

"(B) the applicant's bona fide intention to use the mark in commerce;

"(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

"(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 44, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(c) CONSEQUENCE OF DELAYS.—Paragraph (4) of section 1(d) of the Trademark Act of 1946 (15 U.S.C. 1051(d)(4)) is amended to read as follows:

"(4) The failure to timely file a verified statement of use under paragraph (1) or an extension request under paragraph (2) shall result in abandonment of the application, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unintentional, in which case the time for filing may be extended, but for a period not to exceed the period specified in paragraphs (1) and (2) for filing a statement of use.".

SEC. 104. REVIVAL OF ABANDONED APPLICATION.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended in the last sentence by striking "unavoidable" and by inserting "unintentional".

SEC. 105. DURATION OF REGISTRATION; CANCELLATION; AFFIDAVIT OF CONTINUED USE; NOTICE OF COMMISSIONER'S ACTION.

Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

"DURATION

"SEC. 8. (a) Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Commissioner for failure to comply with the provisions of subsection (b) of this section, upon the expiration of the following time periods, as applicable:

"(1) For registrations issued pursuant to the provisions of this Act, at the end of 6 years following the date of registration.

"(2) For registrations published under the provisions of section 12(c), at the end of 6 years following the date of publication under such section.

"(3) For all registrations, at the end of each successive 10-year period following the date of registration.

"(b) During the 1-year period immediately preceding the end of the applicable time period set forth in subsection (a), the owner of the registration shall pay the prescribed fee and file in the Patent and Trademark Office—

"(1) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and such number of specimens or facsimiles showing current use of the mark as may be required by the Commissioner; or

"(2) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is not in use in commerce and showing that any such nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

"(c)(1) The owner of the registration may make the submissions required under this section within a grace period of 6 months after the end of the applicable time period set forth in subsection (a). Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(2) If any submission filed under this section is deficient, the deficiency may be corrected after the statutory time period and within the time prescribed after notification of the deficiency. Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(d) Special notice of the requirement for affidavits under this section shall be attached to each certificate of registration and notice of publication under section 12(c).

"(e) The Commissioner shall notify any owner who files 1 of the affidavits required by this section of the Commissioner's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

"(f) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 106. RENEWAL OF REGISTRATION.

Section 9 of the Trademark Act of 1946 (15 U.S.C. 1059) is amended to read as follows:

"RENEWAL OF REGISTRATION

"SEC. 9. (a) Subject to the provisions of section 8, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Commissioner. Such application may be made at any time within 1 year before the end of each successive 10-year period for which the registration was issued or renewed, or it may be made within a grace period of 6 months after the end of each successive 10-year period, upon payment of a fee and surcharge prescribed therefor. If any application filed under this section is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency, upon payment of a surcharge prescribed therefor.

"(b) If the Commissioner refuses to renew the registration, the Commissioner shall notify the registrant of the Commissioner's refusal and the reasons therefor.

"(c) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 107. RECORDING ASSIGNMENT OF MARK.

Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

"ASSIGNMENT

"SEC. 10. (a) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing. In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the Patent and Trademark Office, the record shall be prima facie evidence of execution. An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the Patent and Trademark Office within 3 months after the date of the subsequent purchase or prior to the subsequent purchase. The Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

"(b) An assignee not domiciled in the United States shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 108. INTERNATIONAL CONVENTIONS; COPY OF FOREIGN REGISTRATION.

Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) in subsection (d)—

(A) by striking "23, or 44(e) of this Act" and inserting "or 23 of this Act or under subsection (e) of this section"; and

(B) in paragraphs (3) and (4) by striking "this subsection (d)" and inserting "this subsection"; and

(2) in subsection (e), by striking the second sentence and inserting the following: "Such applicant shall submit, within such time period as may be prescribed by the Commissioner, a certification or a certified copy of the registration in the country of origin of the applicant.".

SEC. 109. TRANSITION PROVISIONS.

(a) REGISTRATIONS IN 20-YEAR TERM.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to a registration for trademark issued or renewed for a 20-year term, if the expiration date of the registration is on or after the effective date of this Act.

(b) APPLICATIONS FOR REGISTRATION.—This title and the amendments made by this title shall apply to any application for registration of a trademark pending on, or filed on or after, the effective date of this Act.

(c) AFFIDAVITS.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to the filing of an affidavit if the sixth or tenth anniversary of the registration, or the sixth anniversary of publication of the registration under section 12(c) of the Trademark Act of 1946, for which the affidavit is filed is on or after the effective date of this Act.

(d) RENEWAL APPLICATIONS.—The amendment made by section 106 shall apply to the filing of an application for renewal of a registration if the expiration date of the registration for which the renewal application is filed is on or after the effective date of this Act.

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect—

(1) on the date that is 1 year after the date of the enactment of this Act, or

(2) upon the entry into force of the Trademark Law Treaty with respect to the United States,

whichever occurs first.

TITLE II—TECHNICAL CORRECTIONS

SEC. 201. TECHNICAL CORRECTIONS TO TRADEMARK ACT OF 1946.

(a) IN GENERAL.—The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946), is amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended—

(A) by inserting "and," after "specifying the date of the applicant's first use of the mark in commerce"; and

(B) by striking "and, the mode or manner in which the mark is used on or in connection with such goods or services".

(2) Section 2 (15 U.S.C. 1052) is amended—

(A) in subsection (e)—

(i) in paragraph (3) by striking "or" after "them,"; and

(ii) by inserting before the period at the end the following: ", or (5) comprises any matter that, as a whole, is functional"; and

(B) in subsection (f), by striking "paragraphs (a), (b), (c), (d), and (e)(3)" and inserting "subsections (a), (b), (c), (d), (e)(3), and (e)(5)".

(3) Section 7(a) (15 U.S.C. 1057(a)) is amended in the first sentence by striking the second period at the end.

(4) Section 14(3) (15 U.S.C. 1064(3)) is amended by inserting "or is functional," before "or has been abandoned".

(5) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking "or device" and inserting ", device, any matter that as a whole is not functional,".

(6) Section 26 (15 U.S.C. 1094) is amended by striking "7(c),," and inserting ", 7(c),".

(7) Section 31 (15 U.S.C. 1113) is amended—

(A) by striking—

"§ 31. Fees";

and

(B) by striking "(a)" and inserting "SEC. 31. (a)".

(8) Section 32(1) (15 U.S.C. 1114(1)) is amended by striking "As used in this subsection" and inserting "As used in this paragraph".

(9) Section 33(b) (15 U.S.C. 1115(b)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

"(8) That the mark is functional; or".

(10) Section 39(a) (15 U.S.C. 1121(a)) is amended by striking "circuit courts" and inserting "courts".

(11) Section 42 (15 U.S.C. 1124) is amended by striking "the any domestic" and inserting "any domestic".

(12) The Act is amended by striking "trademark" each place it appears in the text and the title and inserting "trademark".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply only to any civil action filed or proceeding before the United States Patent and Trademark Office commenced on or after such date relating to the registration of a mark.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. USE OF CERTIFICATION MARKS FOR ADVERTISING OR PROMOTIONAL PURPOSES.

Section 14 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1064) (commonly referred to as the Trademark Act of 1946) is amended by adding at the end the following: "Nothing in paragraph (5) shall be deemed to prohibit the registrant from using its certification mark in advertising or promoting recognition of the certification program or of the goods or services meeting the certification standards of the registrant. Such uses of the certification mark shall not be grounds for cancellation under paragraph (5), so long as the registrant does not itself produce, manufacture, or sell any of the certified goods or services to which its identical certification mark is applied.".

SEC. 302. OFFICIAL INSIGNIA OF NATIVE INDIAN TRIBES.

(a) IN GENERAL.—The Commissioner of Patents and Trademarks shall study the issues surrounding the protection of the official insignia of federally and State recognized Native American tribes. The study shall address at least the following issues:

(1) The impact on Native American tribes, trademark owners, the Patent and Trademark Office, any other interested party, or the international legal obligations of the United States, of any change in law or policy with respect to—

(A) the prohibition of the Federal registration of trademarks identical to the official insignia of Native American tribes;

(B) the prohibition of any new use of the official insignia of Native American tribes; and

(C) appropriate defenses, including fair use, to any claims of infringement.

(2) The means for establishing and maintaining a listing of the official insignia of federally or State recognized Native American tribes.

(3) An acceptable definition of the term "official insignia" with respect to a federally or State recognized Native American tribe.

(4) The administrative feasibility, including the cost, of changing the current law or policy to—

(A) prohibit the registration, or prohibit any new uses of the official insignia of State or federally recognized Native American tribes; or

(B) otherwise give additional protection to the official insignia of federally and State recognized Native American tribes.

(5) A determination of whether such protection should be offered prospectively or retrospectively and the impact of such protection.

(6) Any statutory changes that would be necessary in order to provide such protection.

(7) Any other factors which may be relevant.

(b) COMMENT AND REPORT.—

(1) COMMENT.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall initiate a request for public comment on the issues identified and studied by the Commissioner under subsection (a) and invite comment on any additional issues that are not included in such request. During the course of the public comment period, the Commissioner shall use any appropriate additional measures, including field hearings, to obtain as wide a range of views as possible from Native American tribes, trademark owners, and other interested parties.

(2) REPORT.—Not later than September 30, 1999, the Commissioner of Patents and Trademarks shall complete the study under this section and submit a report including the findings and conclusions of the study to the chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2193, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 2193 consists of changes to public law that will enable us to implement the Trademark Law Treaty, popularly referred to as TLT, which the Senate ratified on June 26 of this year. There are 35 signatory nations to the TLT, which is designed to harmonize many trademark procedures

around the world in an effort to simplify the registration process. These changes are especially important to American small businesses that wish to register their marks overseas but are unable to do so in every individual country because the process is too laborious and expensive. By enacting S. 2193, we will expand the ability of American businesses to conduct commerce abroad and diminish trademark piracy that has flourished in the absence of the TLT.

The bill is largely identical, Mr. Speaker, to H.R. 1661, the House version of the TLT Implementation Act, which we passed under suspension in July of last year. In addition, S. 2193 consists of technical changes to the Lanham, or Trademark, Act, as well as compromise language governing the use of certification marks. Finally, the measure also empowers the Commissioner of Patents And Trademarks to conduct a study of the official insignia of Federally and State recognized Native American tribes.

Mr. Speaker, this is a noncontroversial and important bill which the Senate passed on September 17 of this year. I urge my colleagues to adopt it so we can send S. 2193 to the President for his signature.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of S. 2193, the Trademark Treaty Implementation Act. The House of Representatives has passed this legislation before, and I am pleased that the Senate has taken it up and now we can finally get it enacted into law.

The enactment of this legislation will bring the United States into conformity with the treaty entered into earlier this year, the effect of which will be to greatly ease the registration requirements of domestic and international trademark holders. We should strongly support this bipartisan legislation. It is good for small business, good for American trademark holders and good for international registration.

Mr. Speaker, I would like to thank the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) for their hard work on this bill and I urge its passage.

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

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Virginia for his help in this as well.

Mr. Speaker, I have no 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 North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 2193.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON SATURDAY, OCTOBER 10, 1998

Mr. SAXTON. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered tomorrow:

H.R. 4110
H.R. 2431
H.R. 4309
House Resolution 559
House Resolution 553
House Concurrent Resolution 295
House Resolution 523
H.R. 3528
H.R. 3610
S. 1754
H.R. 4523
H.R. 4566
Senate Joint Resolution 58
House Resolution , Recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. Indianapolis and for the outstanding example he has set for the young people of the United States.
S. 2432
H.R. 2186
H.R. 3903
H.R. 3796
H.R. 2886
H.R. 4735
S. 2095
S. 2240
S. 1408
S. 1718
S. 469
S. 2106
S. 2413
S. 1175 and
S. 391.

The SPEAKER pro tempore. The notice will appear in the RECORD.

Saturday suspensions (29 bills)

1. H.R. 4111—Veterans Benefits Improvement Act of 1998 (Stump—Veterans)
2. H.R. 2431—Freedom From Religious Persecution Act (Wolf—IR)
3. H.R. 4309—Torture Victims Relief Act of 1998 (Smith—IR)
4. H. Res. 559—A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone (Ehlers—IR)
5. H. Res. 533—expressing the sense of the House of Representatives regarding the culpability of Hun Sen of war crimes, crimes against humanity, and genocide in Cambodia (Rohrabacher—IR)
6. H. Con. Res. 295—expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people (Levin—IR)
7. H. Res. 523—expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa (A. Hastings—IR)
8. H.R. 3528—Alternative Dispute Resolution Act of 1998 (Coble—Judiciary)
9. H.R. 3610—National Oilheat Research Alliance Act of 1998 (Greenwood—COM)
10. S. 1754—Health Professions Education Partnerships Act of 1998 (Frist—COM)
11. H.R. 4523—Lorton Technical Corrections Act of 1998 (Davis—GRO)
12. H.R. 4566—District of Columbia Courts and Justice Technical Corrections Act of 1998 (Davis—GRO)
13. S.J. Res. 58—recognizing the accomplishments of Inspector General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government (Glenn—GRO)
14. H. Res. —Recognizing and Honoring Hunter Scott for his Efforts to Honor the Memory of the Captain and Crew of the U.S.S. Indianapolis and for the Outstanding Example he has set for the Young People of the United States (Scarborough—GOV)
15. S. 2432—Assistive Technology Act of 1998 (Jeffords—E&W)
16. H.R. 2186—A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Cubin—Resources)
17. H.R. 3903—Glacier Bay National Park Boundary Adjustment Act of 1998 (Young—Resources)
18. H.R. 3796—A bill to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management (Smith—Resources)
19. H.R. 2886—Granite Watershed Enhancement and Protection Act (Doolittle—Resources)
20. H.R. 4735—A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act (Hansen—Resources)
21. S. 2095—National Fish and Wildlife Foundation Establishment Act Amendments of 1998 (Chafee—Resources)
22. S. 2240—Adams National Historical Park Act of 1998 (Murkowski—Resources)
23. S. 1408—Lower East Side Tenement National Historic Site Act of 1997 (D'Amato/Velázquez—Resources)
24. S. 1718—A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 (Lieberman—Resources)
25. S. 469—Sudbury Assabet, and Concord Wild and Scenic Rivers Act (Kerry—Resources)
26. S. 2106—Arches National Park Expansion Act of 1998 (Bennett—Resources)
27. S. 2413—Woodland Lake Park tract in Apache-Sitgreaves National Forest (McCain—Resources)
28. S. 1175—Delaware Water Gap National Recreation Area Citizen Advisory Commission (Lautenberg—Resources)
29. S. 391—Mississippi Sioux Tribes Judgment Fund Distribution Act (Dorgan—Resources)

CONVEYING TITLE TO TUNNISON LAB HAGERMAN FIELD STATION IN GOODLING COUNTY, IDAHO, TO UNIVERSITY OF IDAHO

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2505) to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Goodling County, Idaho, to the University of Idaho.

The Clerk read as follows:

S. 2505

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

SECTION 1. CONVEYANCE OF TUNNISON LAB HAGERMAN FIELD STATION, HAGERMAN, IDAHO, TO THE UNIVERSITY OF IDAHO.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the University of Idaho, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b) for use by the University of Idaho for fish research.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) consists of approximately 4 acres of land, the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, located thereon, and all improvements and related personal property, excluding water rights vested in the United States and necessary access and utility easements and rights-of-way.

(2) SURVEY.—The exact acreage and legal description of the property described under paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSIONARY INTEREST IN THE UNITED STATES.—

(1) REQUIREMENT.—If any property conveyed to the University of Idaho under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States.

(2) CONDITION OF PROPERTY ON REVERSION.—In the case of a reversion of property under paragraph (1), the University of Idaho shall ensure that all property reverting to the United States under this subsection is in substantially the same condition as, or in better condition than, on the date of conveyance under subsection (a).

(d) COMPLIANCE WITH OTHER LAWS.—In connection with property conveyed under this section, the University of Idaho shall—

(1) comply with the National Historic Preservation Act (16 U.S.C. 470 et seq.) for all ground disturbing activities, with special emphases on compliance with sections 106, 110, and 112 (16 U.S.C. 470f, 470h-2, 470h-4); and

(2) protect prehistoric and historic resources in accordance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(e) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of the conveyance of property under this section, the University of Idaho shall hold the United States harmless, and shall indemnify the United States, for all claims, costs, damages, and judgments arising out of any act or omission relating to the property conveyed under this section.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a claim, cost, damage, or judgment arising from an act of negligence committed by the United States, or by an employee, agent, or contractor of the United States, prior to the date of the conveyance under this section, for which the United States is found liable under chapter 171 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Speaker, I rise in support of S. 2505, a bill introduced by our colleagues from Idaho, Senators LARRY CRAIG and DIRK KEMPTHORNE, to transfer the Tunnison Lab Hagerman Field Station to the University of Idaho.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Idaho (Mrs. CHENOWETH) to explain the bill.

Mrs. CHENOWETH. Mr. Speaker, I thank the chairman for yielding me this time. It is with a great deal of pleasure that I rise to support the passage of Senate bill 2505, a bill that was guided very well through the Senate by our Idaho colleagues, Senators CRAIG and KEMPTHORNE. And I want to thank the gentleman from New Jersey (Mr. SAXTON) and also the gentleman from Alaska (Mr. YOUNG) for bringing this bill to the House floor.

Mr. Speaker, the United States Fish and Wildlife Service maintains a very large steelhead fish hatchery near Hagerman, Idaho. Part of that operation has been aquaculture research, and they have a laboratory there known as the Tunnison Lab Hagerman Field Station.

Recognizing the importance of continuing aquaculture research, the United States Fish and Wildlife Service reached a cooperative agreement with the University of Idaho 3 years ago.

□ 1950

This agreement would allow the University to continue and expand the work that is presently being done at Hagerman.

The collaboration has worked very well, but now, with the passage of this bill, we have the opportunity to do even better. The University of Idaho has secured $1.75 million in combination with Federal, State and private funds to finance the improvements at this laboratory in order to bring it up to current research standards and make it a truly viable research facility for aquaculture.

With the transfer of this property to the University of Idaho, the people of Idaho, the local aquaculture industry, the State of Idaho and the U.S. Fish and Wildlife Service will continue to reap the benefits of the very important work being done at this laboratory.

Mr. Speaker, I am sure that most of my colleagues are aware of how very important the salmon is to the State of Idaho. In fact, it is a social icon in Idaho and a cultural icon. It is at the very headwaters of this whole environmental debate in the Northwest.

At this time, hundreds of millions of dollars are being spent each year on the recovery of this declining species. Some have proposed drastic and heavy-handed measures, using unproven science, to save the species. However, I have advocated that finding solutions to this complex and very difficult issue will require sound science, the kind of science that the University of Idaho will utilize in the research of salmon biology at the Hagerman Laboratory.

The University of Idaho has undertaken very important work here to help find practical solutions, workable solutions, to aid the efforts to conserve our native salmonid species. Survival rates of hatchery raised fish in the wild are notoriously low, but solutions as simple as developing new hatchery diets can greatly improve their survival rates. This work is already under way at the laboratory at Hagerman, but, in addition, the University proposes to make the Hagerman Lab home to an innovative cryogenic gene bank for salmon genetic material to ensure that we have access to the full range of genetic material needed to maintain a salmonid population's genetic integrity when raising fish to release in the wild, which is very, very important for our future.

Mr. Speaker, this bill is a win-win. It is good for the people of Idaho. It is good for the Northwest. It is good for the industry, and it is good, most importantly, for the native salmonids. It is a win for the United States Fish and Wildlife Service and for the State of Idaho, and I am pleased to see it considered and passed in the House today.

Mr. Speaker, I am pleased to present to the House S. 2094, the Fish and Wildlife Revenue Enhancement Act. This bill would amend the Fish and Wildlife Improvement Act of 1978 to enable the U.S. Fish and Wildlife Service to utilize funds obtained from the sale of certain abandoned or forfeited products.

The House version of this legislation, introduced by our colleagues, BOB SCHAFFER and DAVID SKAGGS, was the subject of an extensive hearing before my subcommittee. At that time the Fish and Wildlife Service made a compelling case for changing the law to allow them to pay the costs associated with shipping, storage, and disposal of certain wildlife items.

While thousands of wildlife items legally enter this country on a daily basis with proper documentation, other products are confiscated at our borders because they lack the proper or necessary import permits. While some of these goods are made from endangered or threatened species and, therefore, cannot be legally possessed, many of these products, like boots and handbags, can be legally owned.

Currently, the U.S. Fish and Wildlife Service is responsible for transporting all confiscated and forfeited goods to the National Wildlife Property Repository in Commerce City, CO. Some of the goods are distributed to high schools and other educational facilities in what the Service calls Cargo for Conservation kits. However, the constant supply of goods coming into the Repository far exceeds the demand for these items. In fact, the Repository currently has about 450,000 items, of which 200,000 can be legally sold.

While the Service may dispose of these items by any means it deems appropriate, it must do so at its own cost. Any funds obtained in excess of the storage costs or money paid to individuals as a reward for information must be deposited into the General Fund of the U.S. Treasury. Last year, the Repository was appropriated $310,000. After paying overhead and operations, only $30,000 was left to implement programs that loan wildlife items to schools, universities, and museums and to assist Native Americans in meeting their religious and ceremonial needs. Therefore, there is no incentive for the Service to sell any of these legal products, since it lacks the resources to undertake this effort.

S. 2094 gives the Service the opportunity to sell certain wildlife goods now in storage through a public auction process. These auctions would only sell those goods that are legal to possess, and no items derived from endangered or threatened species would be available. By doing this, the stockpile will be reduced, better storage techniques would be implemented, and programs, like Cargo for Conservation, could be expanded to help educate thousands of additional students each year.

Mr. Speaker, this is a sound piece of legislation and I compliment the author, Senator WAYNE ALLARD of Colorado, for his outstanding leadership in this matter. I urge an "aye" vote on S. 2094.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation. It is supported by the administration, and I want to thank Senator KEMPTHORNE and Senator CRAIG and the gentlewoman from Idaho (Mrs. CHENOWETH) for their work. I am aware of no controversy.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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 on S. 2505, the bill just passed.

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

There was no objection.

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2094) to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

The Clerk read as follows:

S. 2094

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 "Fish and Wildlife Revenue Enhancement Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States Fish and Wildlife Service (referred to in this Act as the "Service")—

(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

(2) under law in effect on the date of enactment of this Act, the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.

Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plant, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Speaker, I am pleased to present the House S. 2094, the Fish and Wildlife Revenue Enhancement Act. This bill would amend the Fish and Wildlife Improvement Act of 1978 to enable the U.S. Fish and Wildlife Service to utilize funds obtained from the sale of certain abandoned or forfeited products.

Mr. Speaker, I know of no controversy with regard to this bill. I, therefore, will ask that the balance of my statement be placed in the RECORD.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2094. It is a good government bill and the gentleman from Colorado (Mr. SKAGGS), who has authored the House bill, deserves credit for his diligence and devotion for getting this legislation passed.

Mr. SKAGGS. Mr. Speaker, I rise in support of S. 2094. This is simply a good Government bill. It allows the Fish and Wildlife Service to auction nonendangered wildlife products that have been confiscated by wildlife agents or the customs service for various reasons. The bill enables the proceeds of those sales to be used to cover the costs of shipping, storing, and disposing of confiscated wildlife products, and to facilitate the distribution of such products for educational or scientific purposes, or for Native American religious purposes.

Sadly, each year millions of dollars in illegal wildlife products are confiscated at our borders. This bill takes these lemons and makes lemonade by allowing some of these products to be used to raise revenue to enhance wildlife awareness and education, as well as to pay the more mundane costs of administering confiscated goods.

This is good legislation made better by the other body, whose amendment ensures that no products whose sale is otherwise prohibited by Federal law may be sold pursuant to this legislation.

The gentleman from Colorado, Mr. SKAGGS, who authored the House bill, deserves credit for his diligence and devotion to getting this legislation passed. This bill is as unassuming and effective and its House sponsor and I urge the House to support its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2094.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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 on S. 2094, the bill just passed.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

APPOINTMENT OF MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 703 of the Social Security Act, 42 U.S.C. 903, as amended by Section 103 of Public Law 103-296, the Chair announces the Speaker's reappointment of the following member to the Social Security Advisory Board to fill the existing vacancy thereon:

Ms. Jo Anne Barnhart, Arlington, Virginia.

There was no objection.

SUPPORT THE U.S. STEEL JOBS PROTECTION ACT

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. ADERHOLT. Mr. Speaker, I am introducing today the U.S. Steel Jobs Protection Act, a bill with already 10 bipartisan cosponsors. This bill imposes an immediate 1-year ban on hot-rolled steel from Japan, Brazil, and Russia.

Our trade partners, knowing the slowness of the petition process, have dumped millions of tons of below-cost steel on the U.S. market. Thousands of permanent U.S. jobs will be lost by the time the petition process concludes.

The U.S. steel industry mass modernized and cut production man-hours per ton from 10 to three. This strong, by temporary, action must be taken if we are to be serious about helping families who work for the steel industry.

We urge support for the bill and strongly urge the President to take immediate action to help America's steelworkers.

Mr. Speaker, today I am introducing "The U.S. Steel Jobs Protection Act," a bill with ten bipartisan cosponsors. Currently, U.S. steel producers are in a crisis due to outrageously unfair conditions. Membership in the World Trade Organization, and signing onto the General Agreement on Tariffs and Trade (GATT) implies a willingness to abide by fair trading practices in order to avoid what some call trade wars.

Unfortunately, a number of countries experiencing severe financial crisis have knowingly allowed their steel companies to export steel to the United States at a cost far below their own domestic market price or even below the cost of production. While I understand the need for income by these countries, I do not condone what at best is a reckless disregard for the effect that such exports have on workers in our steel industry.

Since the 1980's, our steel industry has modernized and streamlined. In 1982, it cost roughly 10 man hours per ton to produce U.S. steel. In 1998, the average is below 4 MHPT. The U.S. steel industry has invested over $50 billion in steel plant modernization over the past two decades. The industry employed 425,000 in 1980, and 160,000 in 1998. The U.S. steel industry forecasts that imports of hot-rolled steel in 1998 will be over 500 percent of that imported in 1995. According to industry analysts, some foreign steel is being sold at one-third the cost of production, or more. Clearly, the U.S. steel industry has done its part.

No business can long withstand that kind of assault. I wish that a gentle call to our foreign trading partners for reasonable action would suffice. I am afraid that we are way beyond that point, however. U.S. companies and unions filing a petition for relief from unfair trade practices know that they must wait until severe financial damage is evident for their petition to be acted upon with any urgency. Even then, the best they can hope for is a partial resolution in 160 days. Such cases usually take 12 to 18 months. The current crisis in the steel industry is too great for that kind of wait.

My bill imposes an immediate, temporary moratorium on the further import of certain steel products from three countries—Japan, Russia, and Brazil—for 1 year. Upon completion of the case filed September 30, 1998, duties may be assessed on all steel dumped at a below-cost price retroactive to one year prior the filing of the petition. Should this bill become law, that 1-year retroactive aspect would also apply to any other petitions naming other countries engaged in similar steel-dumping practices.

I realize that there are some concerns about our obligations under the GATT agreements and as a member of the WTO. I agree that we should keep our word and treat all of our trading partners fairly. I also believe that our first obligation as Members of the federal government is to protect the citizens of the United States. What we are currently experiencing is not a minor misunderstanding, or a cultural difference in economic practices. We are the victim of a deliberate action which is harming our domestic steel industry.

Not defending ourselves in this situation is akin to unilateral disarmament while being fired upon. My suggestion of a temporary import ban is not a strike back; it is a recovery period from a battle in which we are wounded. If you believe that membership in the WTO and accepting GATT overrides all U.S. federal laws, historical precedents, constitutional authority, and the moral duty of the federal government to its citizens, I wish you would please come to Gadsden, Alabama and explain that to the 150 or so families who have lost their income, or will lose it within a few weeks.

Please explain to the remaining 2000+ steel industry employees that they must sacrifice their jobs to outrageously unfair trade practices so that we can stabilize the governments and economies of other nations. I don't think they will understand. Nor, frankly, will I.

If our neighbors, our foreign allies need help, let us discuss in a reasonable and straightforward manner on this House floor a plan specific to each country regarding how we might help them—and by that I do not mean throwing away billions of dollars to the IMF board, who have no idea where billions of dollars recently sent to Russia have ended up.

I would like to see this bill become law. I would like to see the President take a serious look at his authority under various U.S. trade laws and take action himself to impose a temporary import ban so that the industry might have a period in which to recover. If our trading partners do not like these suggestions, the solution is easy. Let them admit to the wrongness of their actions, and present to the President a serious plan for halting or slowing imports and making reparations directly to the U.S. steel industry.

The United States of America is strong, and generous. Let us help our friends abroad, but let us stop sacrificing U.S. jobs in what amounts to an unfunded, unauthorized, program of foreign aid.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). 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.

□ 2000

ON THE ACHIEVEMENTS OF THE LABORERS' REFORM EFFORTS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri (Mr. CLAY) is recognized for 10 minutes as the designee of the minority leader.

Mr. CLAY. Mr. Speaker, Clarence Darrow said, "With all their faults, trade unions have done more for humanity than any other organization of men that ever existed. They have done more for decency, for honesty, for education, for the betterment of the race, for the developing of character in men than any other association of men."

The labor movement has played a vital role in making this country what it is today. Only 65 years ago the basic right to retire was beyond the means of most workers. One worked until one was physically unable to work anymore. Workers even when they were employed could barely support their families on a day-to-day basis. The prospect of being able to save enough money to retire, or buy a home or send a child to college was for most workers nonexistent. The fact that this is no longer the case is in large part a measure of the success of the labor movement.

The successes achieved by the labor movement did not come easily. Most worker rights were bitterly opposed by employers and their political allies. Moreover, labor's opponents have never been satisfied with merely opposing policies pursued on behalf of workers. More typically labor's opponents attack the very fabric of trade unionism. In doing so, they directly attack the well-being of working families.

Today, Mr. Speaker, I want to talk about another attack that has been launched against the labor movement. In the American Spectator, in the Weekly Standard and on the editorial pages of the Wall Street Journal, charge after charge has been leveled against the Laborers' International Union. The reform efforts that the Laborers' have undertaken and the consent decree under which the union is operating have been assaulted.

Mr. Speaker, these articles regularly sling stupefying charges of continued mob control of the union by a recognized crime family without providing a shred of evidence or on-the-record attribution for allegations made. The common feature of these articles is that they make absolutely no mention of the real progress that has been made to ensure that the Laborers' is a democratic union controlled by and operated for the benefit of rank-and-file members.

Today there is an effort under way at the Laborers' Union that represents one of the most innovative, cost-effective programs ever undertaken to rid a union of mob influence. The reform effort is still a work in progress. It is premature to render judgment regarding its ultimate success. However, Mr. Speaker, the progress that has been made is truly impressive. To ignore, misrepresent or dismiss it is not just disingenuous but may deny workers and the government a model for the future that does a better job of promoting and protecting union democracy than other means that we have tried in the past.

Corruption in the Laborers' Union was investigated for decades, with little to show for the effort. Finally, the U.S. Justice Department informed the union that it would take legal action to take control of the union just as it had done with the Teamsters Union.

The union and its leaders facing this critical decision and knowing how serious the problem was could have chosen to spend years fighting the government's suit or could be part of the solution. The union's executive board chose to be part of that solution. On February 13, 1995 the Laborers' entered into an historic oversight agreement with the Department of Justice to rid the union of mob influence. The union agreed that, with the help of independent investigators and prosecutors, it would clean its own house.

Since that time, a remarkable story has been taking place. The union adopted a new ethics and disciplinary code and it adopted an independent process to enforce that code. The union has hired a team of former top-ranking FBI officials and Justice Department prosecutors to enforce the code and to discipline those who violate it.

So far, Mr. Speaker, the reform effort within the union has, one, removed 189 union officials; has filed charges against 132 union officials and staff; has caused 47 union officials to resign after bringing or threatening to bring charges; has referred 25 criminal matters to Federal or local law enforcement authorities; and has imposed 19 trusteeships over local unions and district councils in which all local officials and officers were removed.

Mr. Speaker, trusteeships have been imposed on the Chicago District Council and on Local 210 in Buffalo, New York, both regarded as longtime bastions of organized crime.

Members of the Mason Tenders District Council of Greater New York recently conducted their first officers' election since the imposition of a trusteeship in 1994. While under trusteeship, the union recovered $12 million of the $15 million in assets lost by wrongdoing by former officers.

In 1996, the union conducted its first direct rank-and-file election for general president and will soon implement the first ever direct membership vote for all union offices.

Mr. Speaker, the union is embarking upon hiring hall reforms and is educating its Members so that they are able to freely and fully participate in the union affairs and governance. The union has also implemented a toll-free 800 telephone number directly to the internal, independent Inspector General's office so that members may more easily raise complaints or express their concerns.

No one has been immune from the reform process. Charges have even been brought against the union's general president. An independent inquiry is now being made to determine whether to remove that individual from office or not.

Mr. Speaker, all of this is being accomplished by the union itself. It is all being paid for with union money and not government funds. The reform process is promoting private initiative and accountability. The union is under the democratic control of its members, not the mob and not the government.

In 3½ years, the Laborers' internal reform effort has done more to clean up the union than decades of efforts by law enforcement agencies. And the reform effort has accomplished this in a manner that has made the union a more effective advocate on behalf of its members rather than a weaker one.

The reform efforts are not yet complete, but much has been accomplished. Nevertheless the accomplishments of the Laborers' internal reform effort are truly significant. They deserve the attention of the public, and they deserve fair and accurate reporting by the media.

Mr. Speaker, I include for the RECORD a document entitled "Report to Members of Congress, Laborers' International Union of North America's Ethics and Disciplinary Program: 41 Months of Progress."

REPORT TO MEMBERS OF CONGRESS—LIUNA'S ETHICS AND DISCIPLINARY PROGRAM: 41 MONTHS OF PROGRESS

A BOLD EXPERIMENT

One of the most under reported stories in today's labor movement concerns a union, with a proud past that was sadly tarnished by corruption, that has taken matters into its own hands, ridding itself of wrongdoers and eradicating criminal influences.

Under an historic Oversight Agreement signed on February 13, 1995, the Laborers' International Union of North America (LIUNA) continues to work with the U.S. Department of Justice to initiate widespread internal reforms. Over the past three years, our union has implemented model ethics, disciplinary and democracy programs that stand second to none in safeguarding the rights of every union member. We have succeeded in moving our union into a new era.

The Laborers' International also successfully conducted the first rank-and-file election for General President in December 1996,

under the supervision of an Independent Election Officer. In our next election, we will implement direct membership votes for all union officers.

LIUNA's reform programs have been cited as a model for future reform efforts, and in a March 24, 1998 letter to the National Legal and Policy Center, the Department of Justice stated that it believed that our internal reform process has "resulted in considerable success."

This is not to imply that the Justice Department believes our programs are perfect, nor do we. But as we learn, we continue to progress. Indeed, our success thus far—and the fact that work remains to be done—is why we and the Justice Department extended our unique Oversight Agreement for another year. Under this agreement, the Justice Department retains the unilateral power to take control of our union if it feels we are making insufficient progress in rooting out corruption and safeguarding our members' rights. We view the extension of the Oversight Agreement as a clear vote of confidence in our reform efforts.

THE POLITICAL ATMOSPHERE

The innovative nature of the Laborers' self-reform movement—and the facts about its genesis and achievements—should merit both bipartisan and nonpartisan support. Unfortunately, this has not been the case.

Over the course of the Agreement, our reform programs and our union have been the subject of relentless attacks by anti-labor opponents and right-wing extremists. Those who have the most to fear and the most to lose from reform have tried to sabotage this process and undo LIUNA's progress. And some in Congress and in the media have given these people an uncritical hearing and platform.

Media outlets, such as The Wall Street Journal and The American Spectator, continue to publish articles, editorials and guest columns that repeat—like a broken record—misconceptions, falsehoods and unsupported allegations about our union, our officers and our reform efforts. They do not, however, have the journalistic integrity to publish the evidence of our progress or to take an unbiased look at how our union is changing for the better.

A NEW APPROACH

LIUNA's Cooperative Agreement is a model for the kind of reform the Justice Department and FBI have been working toward in private industry—requiring private organizations to assume principal responsibility for policing themselves. Among its many benefits, the Agreement has: Saved taxpayer dollars by having LIUNA—not the government—responsible for cleaning its own house; promoted private initiative and accountability, rather than relying on the government to fix what is, in essence, an internal matter; and kept LIUNA under the democratic control of its members, averting a government takeover of a private organization.

LIUNA's General Executive Board (GEB) is firmly committed to the success of the Ethics and Disciplinary Program. Our experience has only added to our commitment for this unique experiment in self-policing, and it has deepened our resolve to permanently change this union for the better. LIUNA is unequivocally committed to advancing internal reforms and to making this the most democratic union for our members.

Another priority continues to be implementation of hiring hall reforms. LIUNA's General Executive Board adopted a new set of job referral rules and hiring hall practices to protect all LIUNA members' rights and eliminate any possibility of violations. In 1996, we also established a Job Referral Committee which works with the independent GEB Attorney on an ongoing basis to deal with complex local issues and to improve policies governing these matters. LIUNA officials and members are receiving the necessary education and instruction to put these reforms in place.

A third priority is educating members on our election reform rules so that all members can be confident of their right to participate fully in fair and open elections, and in union affairs and governance.

HIGHLIGHTS OF THE REFORM PROCESS

The Laborers' Ethics and Disciplinary Code and internal reform program work because they are now an established part of our union's Constitution and because they are enforced by a team of fully independent officers. These officers do no answer to the General President, General Executive Board or the General Counsel of the Laborers' Union; they answer only to our members and the U.S. Department of Justice.

When the Inspector General's investigators discover conduct that might constitute grounds for discipline, they bring the matter to the attention of the GEB Attorney, and he commences prosecution, if warranted. Such cases have succeeded in eliminating some of the most significant sources of corruption within the union.

Officials at all levels of LIUNA have resigned their positions when confronted with disciplinary charges or the prospect of being required to give sworn testimony in connection with investigations. The resignations eliminate sources of corruption swiftly and effectively, and allow the Inspector General and GEB Attorney to focus efforts on other high priorities. The ease of these victories in no way detracts from their value.

The following actions, compiled by the Inspector General's Office as of August 1998, are testament to the ongoing success of LIUNA's innovative reform process:

Removed 189 individuals for criminal or ethical violations, or ties to criminal elements, through convictions, terminations or suspensions.

Filed charges and complaints against 132 individuals for alleged wrongdoing. Some focus on individual members or officers. Others are aimed at broader patterns of misconduct committed by LIUNA District Councils or Local Unions.

Prompted the resignations of 47 individuals who were targets of investigations.

Suspended eight individuals pending resolution of criminal charges.

Referred 25 criminal matters to federal or local law enforcement authorities.

In addition to these activities, we should note that the Laborers' have succeeded in using trusteeships and suspensions to rid our most problem district councils and local unions of all vestiges of corruption.

For example, the Mason Tenders District Council of Greater New York this year concluded its first officers' election since a trusteeship was imposed in 1994. The trusteeship has recovered $12 million of the $15 million in assets lost by the membership because of malfeasance.

The Mason Tenders Investigations Officer, Michael Chertoff, who also served as Majority Counsel to the Senate Whitewater Committee, has expressed his confidence in our aggressive efforts to prevent organized crime from ever regaining influence there.

Our Independent Officers have also imposed trusteeships over Local 210 in Buffalo and the Chicago District Council, which had historically been controlled by organized crime. Law enforcement authorities pursued both locals for many years with minimal success, but our internal reform process got results expeditiously and fairly.

In all, 19 trusteeships have been imposed, 17 in the U.S. and two in Canada, where all officers were removed and 10 supervisions have been established where the majority of officers were removed.

LIUNA'S ANTI-CORRUPTION TEAM

Our Inspector General, W. Douglas Gow, is the former Associate Deputy Director for Investigations at the FBI. He is charged with investigating and resolving disciplinary matters arising under LIUNA's Constitution or Ethical Practices Code, and supervising the union's compliance program that is designed to prevent and detect wrongdoing. He has assembled a first-class team of high-ranking, former FBI agents and law enforcement officers. This team is charged with pursuing every credible lead of possible wrongdoing.

We have taken extra steps to make it easier for union members to raise their complaints, questions or concerns through a toll-free 800 telephone number that goes directly into the Inspector General's Office. All calls are treated in the strictest of confidence.

Our General Executive Board Attorney, Robert Luskin, is the former Special Counsel for the Justice Department's Organized Crime and Racketeering Section. He serves, in effect, as the union's chief disciplinary official.

All internal hearings are held before the Independent Hearing Officer, Peter F. Vaira, a former director of the President's Commission on Organized Crime and a former U.S. Attorney for the Eastern District of Pennsylvania. W. Neil Eggleston, a former Chief Appellate Attorney for the U.S. Attorney's Office for the Southern District of New York, serves as the Independent Appeals Officer.

A FINAL NOTE

As we stated earlier, our reform process is not perfect, but it has made more progress in the last 41 months in ferreting out corruption and identifying wrongdoings than any other union. We are proud of what we have accomplished, and we will continue to work hard to make our union the strongest, cleanest and most democratic for our members.

□ 2010

GREEDY PLAYERS, GREEDY OWNERS, AND PUTTING AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we are all reading the reports about economic troubles all over the world. We are also being told that these problems are already starting to affect the economy here in this country. Yet at the same time a small group of people who are averaging over $2½ million a year are getting ready to go on strike. I am talking of course about the NBA.

Today professional sports has become filled with greedy players and greedy owners, and nowhere is this more obvious than in pro basketball. Last year one of my sons told me that one little-

known player had signed a 6-year, $123 million contract, 20½ million dollars a year. I told my son that the sports world has simply gone berserk.

I hope the NBA players and owners cannot work out their differences. I hope the whole season is lost. If they do play, I wish people would just refuse to watch and instead go to college or high school games.

I remember a couple of years ago hearing about a major league baseball player signing for 3 years for $6 million a year. The average person in this country today makes less than $25,000 a year. If a person worked for 40 years at 25,000 a year, he would make $1 million for his whole career. If he was way above average, making 50,000 a year, he would make $2 million over a 40 year career. A person would have to average $150,000 a year for 40 years to make $6 million.

These pro sports salaries are simply out of whack. I do not support giving government more money because so much of it is wasted, and turning money over to government is the least efficient way to spend money and the least efficient way to create jobs that you could find. But with these ridiculous salaries as high as they are now and especially if they continue to escalate, then we should lower the taxes on middle-income people and make it up by raising the taxes on these athletes and movie stars who are making millions of dollars a year.

Mr. Speaker, if we are about to hit some hard economic times, then we need to try even harder to see that we use our money and spend our money in the wisest ways possible. We need to give people more incentives to save and more incentives to invest especially in companies that create manufacturing and industrial jobs, good paying jobs. We need to stop giving tax breaks and spending huge sums of public money for pro sports companies so they can raise the salaries of athletes who are already being paid obscene amounts already.

While I am discussing inefficient, unfair ways of spending public money, I should mention that unfortunately we are about to give many billions more to the International Monetary Fund in this end-of-the-year omnibus appropriations bill. We will be doing this against the advice of people like George Schultz, the former Treasury Secretary; Jack Kemp, a former leader in this body; James K, Glassman, the Washington Post financial columnist and many others. Mr. Glassman wrote this past Tuesday that:

> The IMF bears responsibility for Asia's troubles. With the U.S. Treasury in 1995, it delivered unprecedented sums to bail out banks and investors who made reckless loans to Mexico. That rescue then encouraged investors to make riskier extensions of credit to Asia, Russia and Latin America. That led to over capacity and to the current crisis.

In other words, we are taking billions from lower and middle income Americans to send to foreign countries to bail out rich investors, banks and multinational companies for bad investments overseas and in some cases to help keep factories going in other nations which are taking jobs from American workers. Our Founding Fathers never would have believed this. We are told we have to do this because if we do not, other countries will not be able to buy as many American products, and some American workers will lose their jobs. What we would really be doing though is sending billions of American tax dollars to other countries so that we can get a portion of it back.

Already our balance of payments deficit, our trade deficit is at record levels. We will lose about 3 million jobs to other countries because of a trade imbalance this year alone. If we kept all of these billions here instead of giving it to the IMF, some multi-national companies and international bankers and investors might be hurt. But this money would not disappear if we simply kept it here. More of it would then go to the benefit of American workers and small American businesses that do not do much or any business overseas.

Mr. Speaker, as I have said on this floor before, we need to start putting our own workers and our own businesses first once again. We need to start putting America first once again, even if it is not politically correct or fashionable with liberal elitists to do so.

SEMI-ANNUAL REPORT PURSUANT TO THE CUBAN DEMOCRACY ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SHIMKUS) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1998, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formerly, American Telephone and Telegraph Company)	$12,795,658
AT&T de Puerto Rico	292,229
Global One (formerly, Sprint Incorporated)	3,075,733
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,402,634
MCI International, Inc. (formerly, MCI Communications Corporation)	8,468,743
Telefonica Larga Distancia de Puerto Rico, Inc	129,752
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	4,983,368
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	5,371,531
	39,519,648

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 8, 1998.*

HONORING HENRY B. GONZALEZ FOR 4½ DECADES OF SERVICE TO THE HOUSE AND THE PEOPLE OF THE 20TH CONGRESSIONAL DISTRICT OF TEXAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. GREEN) is recognized for the balance of the Minority Leader's hour, approximately 51 minutes.

Mr. GREEN. Mr. Speaker, I rise tonight and requested this special order

and share it with a number of our colleagues to pay tribute to our friend and colleague and the Dean of the Texas Congressional Delegation, the distinguished Congressman from 20th Congressional District of Texas, HENRY B. GONZALEZ. It is an honor to be associated with such a great man, and we wish him well in his retirement.

Texas has many colorful and distinguished leaders, some of which have reached the level of legend. HENRY B. GONZALEZ worked in Congress and his dedication to his constituents places him that top category. HENRY B. has been noted as being the last great populist. His tenacity marks his good works. He has been a voice and not a echo, and he has also been known as a fighter.

And I will go on, Mr. Speaker, but I would like to yield to the incoming Dean of the Texas Democrat delegation, my colleague from Dallas, MARTIN FROST.

Mr. FROST. Mr. Speaker, I rise today to honor my friend and colleague, the Dean of the Texas Delegation, HENRY B. GONZALEZ of San Antonio. HENRY is leaving Congress, but in doing so he is leaving behind a legacy of nearly four decades of service to this House and to the people of the 20th Congressional District of Texas.

When HENRY first came to Congress in 1961, he tacked a sign to the door of his office which said, "This office belongs to the people of the 20th Congressional District of Texas."

Throughout his career both here and in Washington and in Texas, HENRY has been a man of the people and a tireless advocate for the less fortunate among us. He has stood tall for the people of the 20th District of Texas by championing affordable housing for all Americans, especially the poor, equal rights for every American regardless of their heritage, and above all decency and honesty in his actions as a public servant.

HENRY is, however, a man of great independence, and he has demonstrated time and again this willingness to take a stand regardless of which way the political winds might be blowing. He has never been afraid to stake out his own position and defend it regardless of how unpopular it might make him. He is a man of great integrity, and he will be missed.

HENRY B., as he is affectionately known to our delegation and to his constituents, has been in San Antonio for much of this Congress recovering from an illness that may have slowed him down but could not stop him. I am so grateful he has joined us again for these last days of the 105th Congress so that we can all pay tribute to a truly great American.

HENRY, I salute you and wish you well as you return to San Antonio. I know that just because you are not in Congress that your voice will not be silenced. I expect to hear that you have once more found a way to stand up and defend those who cannot do so for themselves.

Via con Dios, mi amigo.

Mr. GREEN. Reclaiming my time, Mr. Speaker, Congressman GONZALEZ' outstanding 45 year career of public service and his 38 year career demonstrates his deep commitment to public service and his constituents and his thorough knowledge of the House procedures in his dedication to this House of Representatives. Prior to his election to the House of Representatives in 1961, HENRY B. served as a member of the San Antonio City Council and as City Mayor Pro Tem. He was subsequently elected to the Texas State Senate where he is remembered as a champion of the people. He is revered, known, for leading a 36 hour filibuster against legislation which sought to uphold and facilitate the principles of segregation.

□ 2020

HENRY B. held the floor of the Texas Senate for 22 hours and 2 minutes finishing shoeless and exhausted but victorious in the late 1950s. He made such an impression on the Texas State Senate that his portrait hangs in the chamber in Austin, Texas. Only one other Member of Congress has ever had their portrait hung in the Chamber of the Texas Senate, the late Barbara Jordan.

HENRY B. was elected to Congress in 1961, and his legislative agenda included housing, the need for lower interest rates, education, adequate energy supply at a reasonable price, more industry for San Antonio, increases in minimum wage, not only as a State Senator in Texas in the 1950s, but also a host of other issues that are important to the people in his community and the people in the State of Texas but also the people of our Nation.

Throughout his service in Congress, HENRY B. has made his mission to force the chief executive to justify any military action. In 1983, Congressman GONZALEZ was the only Member calling for the withdrawal of U.S. troops from Lebanon.

He introduced the resolution to this effect and continued to speak out on this issue. Congress should have listened to him, because 3 days after his last statement on the subject, the Beirut bombing occurred.

HENRY B.'s greatest accomplishments are in the area of affordable housing. He insisted on protecting the rights of low income citizens instead of ganging up on them like some people do.

Mr. Speaker, I will go on for a few minutes, but I would like to yield to both a good friend, but also a neighbor of the 20th district in San Antonio, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, it is my privilege to be joining the gentleman from Texas (Mr. GREEN) and the gentleman from Texas (Mr. FROST) in this special order today.

We honor not only a colleague, we honor an American hero. It is my honor to offer this tribute on my behalf, on behalf of the San Antonians and the constituents of the 20th Congressional District and the behalf of Texas and the Nation.

Congressman HENRY B. GONZALEZ deserves our praise and has earned our respect and admiration. His story is one that has inspired generations and will likely inspire many more. We all know HENRY B. In San Antonio, all you have to say is HENRY B., and everyone knows who he is. The Honorable HENRY B. GONZALEZ of the 20th Congressional District. His name and his face are known in every household in San Antonio.

In my family, my father would always call him El Compadre GONZALEZ. He was our compadre because we admired him. We respected him, and we knew he had us and our neighbors in his thoughts and his actions. He was like one of our households.

He was also known and we also recognize Congressman GONZALEZ as the first Hispanic from Texas elected to this body. In those days, in San Antonio, it was very much smaller than it is today, and the 20th Congressional District included the entire city of San Antonio.

Let me tell my colleagues that, in those days, as a Mexican-American, to be elected out of San Antonio was an extraordinary action. Those were the days when we were required to have a poll tax and had to pay in order to participate in the elections.

HENRY B. GONZALEZ was an extraordinary man. We know him as the man who stands his ground, who does not shy away from dispute, who holds fast to his values. In so many ways Congressman GONZALEZ's life represents the American dream.

His parents were immigrants from Mexico who fled the violence in the 1911 revolution in Mexico. He worked hard and obtained a college degree and, as my colleagues recall, it is even difficult now for Hispanics to be able to get a degree. At that time, it was more extraordinary because he did it so many years ago.

HENRY B. helped his father and his business and then turned to public service as a probation officer and then as a deputy director of the San Antonio Housing Authority. His passion for the poor and his passion for fighting for equity, his fierce sense of justice became his landmark.

In the early 1950s, HENRY B. made a name for himself in San Antonio as a city councilman, then as a State Senator. In the Texas Senate, he is known as holding the longest filibuster in Texas history, a record that still stands.

His career reflects his passion for civil rights, his fight for the American ideals of equal justice for all. He fought against segregation in the 1950s and helped lead the struggle to pass civil rights laws in the 1960s.

He even dared to oppose the now discredited House Committee on Un-American Activities. As a distinguished member and then chairman of the Committee on Banking and Financial Services, HENRY B. made his mark as a champion of the less fortunate and crusader against corruption. The 71 bills he managed as chair included legislation to protect depositors and punish those who sought to cheat the system.

We could list the amount of legislation of his accomplishments, but it would take hours. Our Congressman HENRY B. GONZALEZ represents more than just a list of achievements. He represents those values that we espouse and cherish but rarely realize ourselves. HENRY B. stands for honesty and independence and he embodies the passion for his constituents.

My colleagues, take note, Congressman GONZALEZ has served more than 37 years in this House, and I will tell my colleagues why, because he believes and he stood for those beliefs. He spoke his mind even when it was unpopular to do so. He stood by his constituents even when he faced great challenges. As a song from Frank Sinatra goes, he did it his way.

HENRY B. boasts one other great accomplishment, and we should take note of this. He and his wife Bertha will be celebrating their 58th wedding anniversary next month. They are blessed with 8 children, more than 20 grandchildren, and 3 great grandchildren.

I look forward to working next year with Charlie Gonzalez when he joins us as a representative of the 20th Congressional District.

Compadre GONZALEZ, I am honored to serve in this great House with you. We will miss you, and I know that we will not forget you. You will be in our minds.

I want to take this opportunity to quote a couple of items from the gentleman from Texas (Mr. Ortiz) as he has given me a couple of things to say.

One of the items that he mentions is he remembers HENRY B. GONZALEZ, both not only in terms of as we recognize him tonight, but as a lifetime of service to this country.

We must admire a man who hails soft and punches a fellow in his face in a restaurant because he has called him a Communist. HENRY B. tells it like it is. He has been a bur on the saddle of the Presidents that have gone before us.

He has occasionally annoyed his colleagues with his never-give-up attitude. He is much loved. He has been much loved throughout his career by his constituents friends and those of us who have had the privilege of serving with him.

Congressman ORTIZ continues by saying I remember a friend telling me that she was a little girl whose mother worked with HENRY B. on his first campaign, and she recalled the raw excitement about the campaigns that HENRY B. used to have, and elated about the victory.

She was also so proud when she and her mother was invited to Washington to see him sworn in. She did not make it, and she said she still had little, was a little angry because they were not able to attend. But she recalls she came up here to Washington in the 1980s at a dinner one night and talks about the fact that, as she went up to Congressman ORTIZ, he asked her, you know, who would you like to meet, the President of the United States, the Speaker of the House, a movie star. Well she just said and looked, I would just want to meet HENRY GONZALEZ. She finally got to meet HENRY. And as she recalls, she had tears in her eyes.

With that, I just want to just indicate, Congressman GONZALEZ, you have been a role model to me and for many others I know. I admire you for your integrity, your convictions, your strong work ethic, your dedication to your constituents.

□ 2030

Thank you for your service and your dedication. Muchas gracias.

Mr. GREEN. Mr. Speaker, reclaiming my time, I would like to recognize that our good friend and colleague, HENRY B. GONZALEZ, has joined us on the floor of the House, and tonight, a number of Members are using the remainder of this hour to talk about his achievements and pay both honor and respect to him for his many years in service, not just in Congress, but also to the people of Texas as a city council member, a State senator, and later on this evening I will read from some articles that we have received over the years on HENRY B.

As Chairman of the Committee on Banking and Financial Services, he led the efforts to repair the savings and loan industry and help stop the crisis from spreading to our banks by overhauling the deposit insurance system. Congressman GONZALEZ has been a burr under the Federal Reserve saddle for many years. He is responsible for the Fed's shift to a restricted money policy and for the release of monetary policy proceedings.

HENRY B. GONZALEZ has been a crusader on behalf of our environment. In 1990, the American General Insurance Company wanted to build a $2.5 billion tourist attraction on the Padre Island National Seashore, which we consider a Texas treasure. Through intense lobbying, they attempted to exclude Padre Island from the protection of the Coastal Barrier Act, known as our Wetlands Act. HENRY B., using his influence and power of persuasion, saved this beachfront for its natural beauty for the next generations of Texans.

I find it awkward, Mr. Speaker, for me to be standing here as a third-term Member of Congress, because as a State House member in the 1970s and the 1980s, I used to consider HENRY B. the king of the Special Orders, because I watched him many times extolling the problems that he saw for our country. Again, just like I mentioned earlier, in requiring the President to get the permission of Congress before having our troops in foreign military action in the case of Lebanon, he introduced a resolution, and again, Congress should have listened to him because 3 days after Congressman GONZALEZ' last statement was the loss of lives of the marines in Beirut.

I have a lot I would like to talk about this evening, but I would like to yield to my colleague, another colleague from Texas, Congressman JIM TURNER, who again served with me in the State senate and enjoyed the portrait in the State Capitol. I mentioned earlier there are only 2 State senators who have their portrait in the State Capitol: HENRY B. GONZALEZ, this gentleman from Texas (Mr. TURNER), and also Barbara Jordan, who is your contemporary and whom you served with.

I would like to yield time to my colleague from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. GREEN) for leading us in this Special Order this evening honoring our dear friend and colleague, HENRY B. GONZALEZ. I, much like the gentleman from Texas (Mr. GREEN), as I was a younger man and I heard the name, HENRY B. GONZALEZ, a name that always stood for a man who worked hard in the Congress for little people.

I know that HENRY comes from a background where he understood how important it is for someone to have affordable housing. He came from a background that understood that quality education was the key to moving up in life. It is an honor for me to stand here tonight as a freshman member of this body and honor a colleague and friend who has served over four decades in these halls.

HENRY B. had what many might consider a very daunting and difficult task in that he served as dean of the congressional delegation from Texas, oftentimes a rowdy group. But my colleague from Texas rose to that occasion and led because of his many years of experience in these halls.

The congressional career of HENRY B. GONZALEZ is indeed a distinguished one, both in terms of his longevity and in terms of his accomplishments. He was first Mexican-American elected to serve the State of Texas in the United States House of Representatives, the son of Mexican immigrants. HENRY B. GONZALEZ served Texans in the Texas State Senate as well as in the U.S.

House, and he went on to serve three terms as chairman of the Committee on Banking and Financial Services. His work to overhaul the deposit insurance system and to repair the savings and loan industry were instrumental to the banking industry and to the consumers of this country.

He was a vocal advocate for affordable housing, and he worked for many, many years for lower income American families to ensure that they had access to safe quality housing. He knew how important it was for someone to have a place that they could call home, a place that they could live in with pride. He knew what it meant for American families to be able to enjoy the benefits of homeownership.

HENRY B. GONZALEZ has always been a fighter. He never turned his back when he knew there was an issue of importance that he needed to stand up for. He had that kind of reputation in this Congress; he had that reputation in Texas; he had that reputation in his community.

I salute a great American, a great Texan, Congressman HENRY B. GONZALEZ. I thank you, HENRY, for your years of service, for your leadership, for your compassion on behalf of the issues that you knew were important to the little people in this country. For the people who did not have a voice, you spoke for them. For that, we are eternally grateful.

We are sorry to see you leave our ranks. We will miss you as a friend, we will miss your leadership in this body, and I share with my colleagues our congratulations to you for your distinguished service, and we wish you well in your new ventures along the way.

Mr. GREEN. Mr. Speaker, I thank the gentleman, and reclaiming my time, as Democratic Members of the House, we are well aware of HENRY B.'s efforts on behalf of the Democratic party for many years. He was an articulate spokesman in presidential politics since 1960 when he served as the national cochair of the Viva Kennedy campaign.

I first remember reading about Congressman GONZALEZ because I admired him so long before I met him. In 1956, he was elected to a 4-year term in the Texas State Senate, becoming the first Mexican-American to gain a seat in that body in 110 years. He soon attracted international attention when, with a colleague, he staged the longest filibuster in the history of Texas. There were 10 race bills under consideration in which Senator GONZALEZ at that time opposed. He said at the time, and I quote, "It may be some kind of chloroform for their conscience, but if we fear long enough, we hate, and if we hate long enough, we fight."

Eight of the bills were defeated because of Senator GONZALEZ. One of those passed was later declared unconstitutional, and in 5 years in the Texas Senate, he clearly identified with the poor, opposing sales taxes and rising tuition costs, while favoring some clearance and controls on lobbyists long before it was in vogue.

I am proud to honor HENRY B. GONZALEZ. When I was running for Congress in 1992 in my district in the east end and north side of Houston, I had a number of people who had served as precinct judges for many years in my community, and they would come up to me and say, if all you ever do is walk in the shadow of HENRY B. GONZALEZ and walk in his footsteps, that is the kind of Congressman we want you to be.

□ 2040

That was such a great honor. I say to the gentleman from Texas, HENRY B., I have some constituents who are the gentleman's longtime friends, A.V. Almos is still a precinct judge, and Cruz Injos and his family. We have a group called the Old Timers Club which has been meeting for many years, and they were part of the nucleus of the group in 1961 when you ran for the U.S. Senate and made it a close race.

With that, I tell the gentleman from Texas (Mr. GONZALEZ), we are glad to share this night with him.

Let me talk about one of HENRY B. GONZALEZ's famous stands. He wanted to be a voice and not an echo. On a recent Friday afternoon, HENRY B. GONZALEZ received a standing ovation from his colleagues who not only heard his speech, but they cheered him afterwards. HENRY was caught by some tricky parliamentary maneuver. A Republican Member of Congress, angry at the Democrats' tactics, unexpectedly moved to adjourn. Now in the minority, we understand how that happens, Mr. Speaker.

With his speech in hand, our Texas congressman demanded a rollcall. Surprised colleagues showed up and voted 213 to 99 to let Congressman GONZALEZ speak. When the Chair finally recognize him, Congressman GONZALEZ responded, "Mr. Speaker, overwhelmed by the popular demand to be heard," and the Chamber was filled with laughter.

Before launching into his attacks lambasting President Reagan for his actions in Grenada, Congressman GONZALEZ explained why he spoke so frequently, often several times a week. A House member, he said, has only two real powers: one is to register his vote, and the other one is his voice. Congressman GONZALEZ has been a voice and not an echo.

Congressman GONZALEZ at that time assured his colleagues that speechmaking did not evolve after House activities becoming televised. In fact, he claims the heart of his district was still without cable, because at that time it was only cable coverage. Now we have C–Span, but back at that time there was only cable.

Mr. Speaker, I yield to the gentleman from Austin, Texas (Mr. DOGGETT), who also served in the State Senate. It is almost an alumni club. In fact, the gentleman was in Senate when Congressman GONZALEZ's portrait was hung in 1976.

Mr. DOGGETT. I was, indeed, Mr. Speaker. We will soon have enough for kind of a quorum here of the Texas State Senate, as we gather here not on the banks of the Colorado but on the banks of the Potomac, to honor someone whose effects on Americans has stretched across this great Nation.

It is certainly fitting that we would gather here to do that on what is called Special Orders, because I know even in my short time here in Congress, I have seen Congressman GONZALEZ come and make use of special orders to convey a message, perhaps to a few Members assembled at the moment here in the House, but to convey a message all across America to alert the country to some particular problem on which we needed additional focus, and to remind the Members of their duty to the ordinary people of this country who have made it the greatest land in the world.

I think that it is undoubted that the gentleman from Texas (Mr. HENRY B. GONZALEZ) is leaving an indelible mark, not only on this institution, the United States House of Representatives, but on our entire country.

Some would point, as my colleague, the gentleman from Texas (Mr. GREEN) has done, in providing leadership here tonight for this special order, to his triumphs in banking and housing. Others remember him as a champion of open government, and our friend, the gentleman from Massachusetts (Mr. BARNEY FRANK), refers to his demystifying, if that can be done, of the Federal Reserve Bank more than anybody in history. It is still a little bit of a mystery, but he has made some good headway on it.

All of us know that HENRY B. Is a man of extraordinary principle, unparalleled courage, and of dogged determination. Some would probably say if it is dogged determination, it is bullheaded determination. But he was in there, willing to do what was right, no matter whether there was anybody else willing to stand with him or not.

In 1994, in recognition of his courage, the prestigious Profile in Courage award was presented to Congressman GONZALEZ as a shining example of public service that was epitomized in the book "Profiles in Courage," that the late President Kennedy authored, described as one ". . . whose abiding loyalty to their Nation triumphed over all personal and political considerations, who showed the real meaning of courage, and a real faith in democracy." I think that is a good summary of the career of Congressman GONZALEZ. It expresses our feelings, I know, from Texas about him.

He received this award for initiating a series of spectacular hearings on the savings and loan crisis, and writing sweeping legislation to try to clean up the chaos and reform this industry.

He was also honored by this award for his courageous investigation into the sale of U.S. arms to Iraq by top officials of the Reagan and Bush administrations. It took courage to stand and do that when many others were trying to brush the lies and the conspiracy aside, and he did that, and all of America is the beneficiary.

As one previous recipient of the Profiles in Courage award remarked, "For the scientist, the moment is the Nobel; for the journalist, it is the Pulitzer; the actor, the Oscar; but for those in government, it is the Kennedy, and it is with that high award that Congressman GONZALEZ has received special recognition.

When placed in the context of his total public service career, beginning with his successful campaign as a college student to bring public housing to San Antonio, it is almost impossible to determine which accomplishment is the most significant.

But knowing him as we do from Texas, I think we have to agree that one accomplishment that we have not yet discussed tonight ranks very high in a very special way. That is that he was able to balance his service to other people's families and other children around this country with being a good father and having a family of some eight children.

What can be more fitting than the legacy of HENRY B. GONZALEZ, that as he departs Washington, one of his sons will be coming to join us in this body. Charlie GONZALEZ I knew as a Member of the Texas judiciary during my service on the Supreme Court, and prior to that time. I know that he has been a teacher, a legal aid worker, and a district judge, and that, like his father, he is passionate about public service.

I salute Congressman GONZALEZ for the role that he has played, not only as a public servant but as a father and a family leader who lived the values that he has preached and recognized from this forum and across the country.

When we look back on his career, as the gentleman from Texas (Mr. GREEN) has done in reminding us of what Texas was like in the 1950s, and how very tough it was to go as the first Mexican-American into what was an all-male and all-Anglo Texas Senate, and in one of the times of that Senate which is not one in which we can see any particular pride, when there were some people there who were unwilling to accept opportunity for all of our citizens, who were insistent on passing a set of laws to oppose the whole concept that the Supreme Court had advanced of equality of opportunity in our school system, that Congressman GONZALEZ stood and would not let that tide of bigotry overwhelm him and overwhelm the people of Texas, but he stood as one force for the people, for equality, for equal opportunity.

As we reflect on his historic role in Texas and in this entire country, I think it is important to remember that he never forgot that while he pulled himself up by his bootstraps, that there were many other people out there who had no boots.

He has fought for those people, he has fought for America. He is a man with the courage of his convictions to do what is right, and Texas will lose not only the dean of our delegation with his departure from Washington, but we will lose someone who has set the very highest standards for integrity, for determination, and for making government work for all of us.

"I do not know where we will be without HENRY B.," is I am sure something that is being said in many parts of Texas. But we know that he will provide, by his example of leadership, a model that we will follow and emulate in the years ahead.

I want to thank the gentleman from Texas (Mr. GREEN) for his leadership in doing this tonight, because I think it is really historic to record the accomplishments and the contributions of our colleague, HENRY B. GONZALEZ. I consider it one of my greatest honors here in Congress to serve with a man of his caliber and character.

Mr. GREEN. Mr. Speaker, I would like to thank my colleague from Travis County, Austin, Texas, and a great friend. We served together, and I was a State representative when he was in the State Senate in 1976, when Congressman GONZALEZ portrait was hung.

Let me quote: At that time Governor Dolph Briscoe called Congressman GONZALEZ a truly dedicated public servant, and said he is gaining more influence yearly in the Texas delegation. He said, there are two types of Congressmen, and to this day that is still true. One is a show horse and the other is a workhorse, Governor Briscoe said, and certainly Congressman GONZALEZ is a workhorse. I think that is a tribute not only in 1976, but also in 1998 to Congressman GONZALEZ.

There are lots of great stories on HENRY B. that I have learned over my lifetime in Texas. One of them is his first run for Congress in 1961.

Coming off the Viva Kennedy cochair on a national basis, at that time Vice President Lyndon Johnson insisted he would not become involved in trying to tell the Baird County voters how to vote.

□ 2050

And after that, he issued a strong endorsement of Congressman GONZALEZ's candidacy in the San Antonio Express. The doors slammed shut for all practical purposes on Congressman GONZALEZ' Democratic opponent. Vice President Johnson then neutralized the other opponents by his endorsement.

So, again, HENRY B. you run with lots of folks in Texas who I have admired for many years, including Vice President and President Lyndon Johnson.

HENRY B. has been known for his tenacity. We know that because it has been said tonight about his tenacity on special orders, but tenacity on issue after issue. It came as a surprise to some of us, but part of HENRY B.'s success and tenacity is that he introduced a bill in 1965 to provide $50,000 survivor's benefits for law enforcement agents and firemen killed in the line of duty. Eleven years later, after the riots in the 1960s, this became law.

HENRY B. has been derided by opponents for the speeches he makes to an almost empty Chamber of the House. The Congressman has made in the neighborhood of thousands of speeches. In 1984, he had given 2,200 speeches in the House at that time in 23 years, making him the most prolific speaker in the House. His speeches under special orders are duly recorded in the Congressional Quarterly and his newsletters to his constituents. That was before C-SPAN, before we had nationwide coverage. Congressman GONZALEZ was there making sure that his constituents were heard and he was representing his job as a Member of Congress.

He is productive by the number of bills that he passed in Congress. Many times other Members from Texas could not pass legislation, but Congressman GONZALEZ was the chief bill-passer in the State of Texas for Members of Congress. Again, that is a challenge some of us would like to be.

Congressman GONZALEZ, and again, my honor to him is he is considered one of the last great populists. It is a classic performance. A man better known as HENRY B. or simply as HBG. Depending on who you ask he is either feisty, colorful or combative, or an eccentric that is looked upon with tolerance.

But for his constituents in Texas, he has been a fighter and a populist for their needs and their desires for many years in Congress. We talked about his serving in the Senate and fighting the race-baiting bills in the late 1950s. But he also introduced the first minimum wage bill in the State Senate and it was 40 cents an hour in the 1950s. It is just an honor that I had the opportunity during my three terms of Congress to serve with him.

Congressman GONZALEZ' individuality has paid a price. Although widely revered in San Antonio and an icon in Texas, he is sometimes known in Congress as a loner and a maverick who charts his own course. And I do not think there is a better honor to you than that you are your own man, and you have been for 45 years in public service.

He speaks out on issues. He is one that never is hesitant to stand up for both his ideas, but also the people he represents.

Many years ago, and this has happened a number of times, I have admired him for being a fighter for his constituents. In 1963, there was a time when a Representative Foreman from Odessa was outside the House Chamber and accused Congressman GONZALEZ of being a "communist" and a "pinko," and Congressman GONZALEZ challenged him. And those stories are endless.

I remember one story when I was in the House of Representatives in Austin when HENRY B. was in a restaurant in San Antonio and someone at the next table called him a communist and he got up and decked that person.

Obviously, he represents Texas very well and a lot of us have learned many things, both in his feistiness, but also in his beliefs. He will stand by his beliefs and fight for his beliefs. And he has done so many great things. Let me mention just one thing.

In 1968, I was in college and I had the opportunity to go to San Antonio. My wife and I were not married at that time, but both of us were University of Houston students. And, of course, at that time one would not go out of town overnight with their best girl. My wife and I got on a bus from Houston and took the bus from Houston to San Antonio Texas to go to the HemisFair, and HemisFair was in San Antonio because of Congressman GONZALEZ. And it brought international acclaim and literally opened up the city, and I am still proud to go to San Antonio today and see the HENRY B. GONZALEZ Courthouse that is in the HemisFair grounds that he triumphed back in his first years in Congress.

There are so many stories, Mr. Speaker, but not only Members from Texas but Members who served with Congressman GONZALEZ on the Committee on Banking, the Members of the Hispanic Caucus.

I am proud to honor a man who has worked and improved the quality of life for men and women not just in his district and not just in the State of Texas, but throughout our country. I have been fortunate and we have been fortunate to have a Member like HENRY B. GONZALEZ to serve as our colleague, our friend, and our Dean of the Texas delegation.

Before I close, I would like to mention his wife of 58 years, Bertha Cuellar Gonzalez, originally from Floresville, but 58 years of marriage. I thought my wife and I at 28 years had been married many years, but hopefully we will make 58. Fifty-eight years of marriage and love.

The reason HENRY B. could not come back earlier was because he knows who the boss is in our households, and his wife was making sure that HENRY B.'S health was well enough for him to come back and continue his duties as a Member of Congress. Both the love of your wife and family, and also the love of your fellow Members of Congress and your constituents is the best tribute more than we can ever say here on the floor of this House.

Mr. Speaker, I would like to close by saying that if I could just walk in his shadow and fill part of his shoes, I will consider myself to be a successful Member of Congress.

Mr. HINOJOSA. Mr. Speaker, it is a privilege to participate in today's tribute to the Honorable HENRY B. GONZALEZ.

A maverick, a pioneer, a man of conviction—there aren't too many people I would use these words to describe. The deal of our delegation, however, is one such individual.

Our distinguished dean came to the House of Representatives in 1961, before any other Hispanics were elected from the State of Texas.

He laid the foundation for those of us who have since followed.

For all you have done—for your constituents—for the Hispanic community—for the underprivileged—for all Americans—I want to say thank you.

In the brief time I have been in Congress, I unfortunately have not had the good fortune to be able to work closely with you. But I am well acquainted with your remarkable achievements.

It is because of the commitment you have always demonstrated that I know why it is so important to work tirelessly for the causes and issues we believe in.

You have taught us why we must be dedicated to the pursuit of excellence.

You have shown how goals are, indeed, attainable, but not always easy to achieve.

More importantly, you have shown that within each and every one of us there is the potential to make a real difference in the world we live in, but that to make such a difference, one must be involved.

Chairman GONZALEZ, you have made Congress a better place—you have made Texas a better place—and you have made America a better place.

I began my remarks by saying you were a maverick, a pioneer, a man of conviction. I want to close them by saying it would be more accurate to say you are indeed a legend.

Mr. CRANE. Mr. Speaker, I am especially pleased to join with my colleagues in honoring the renowned dean of the Texas delegation, the Honorable HENRY B. GONZALEZ of the Twentieth District of that great state.

My colleagues, as the long-time Chairman of the Banking Committee, HENRY was well known for his tough stance during the savings and loan investment scandals, and for his many attempts to consolidate banking regulations. His wide-ranging and perceptive special orders on international banking practices and malpractices could well constitute in themselves an indispensable textbook on the history of modern financial structures, consortia, monopolies, trusts, etc. Surely HENRY ought to be welcomed back to the University of Texas or to St. Mary's University in a special chair as professor of economics. Our present loss in his departure, then, would be a real gain for young Texas students.

The people of Texas can attest to HENRY's strong record in support of civil rights and especially in developing housing programs for the poor. His colleagues in Congress know that whatever this hard-working Texan was determined to do, it was done with dedication and a kind of dogged perseverance which could well be emulated by many of those of us who will remain in the House.

In many ways HENRY has been a kind of grand institution on this Hill, a genial father figure for many younger members; and those of us on the other side of the aisle have long come to respect him as a man of determined principle and especially as one whom we know to have served his district constituents admirably well. Obviously San Antonio will be glad to see more of HENRY in his retirement, but we hope that we, too, will be able once in a while see him on the House floor renewing friendships and giving wise counsel to those of us still struggling with the complexities of legislation, and worrying, as he so often did, about what is best for all Americans.

HENRY, we wish you the very best in your sell-deserved retirement in that exciting city of San Antonio—your town—and we have to say that it has been more than a privilege to have been your colleague during all these interesting and important years, when your judgment and dedication contributed so much to what we all have accomplished. God bless, HENRY GONZALEZ, and Godspeed.

Mr. ORTIZ. Mr. Speaker, I thank these gentlemen for taking the time to honor a giant of Texas politics, HENRY B. GONZALEZ.

To see the future, you must stand on the shoulders of giants. I, and many Texans elected after HENRY GONZALEZ was elected, have seen the future—and the future promises more Hispanics to Congress from Texas.

This giant has been an inspiration for young men and women who aspire to excellence in public office. Young HENRY GONZALEZ, who learned business at his father's side, has spent virtually his entire life in public service.

He is a maverick who, while recognizing the significance of being the first Hispanic elected to national office from Texas, respectfully declined to be labeled only as a Hispanic during his term of service. Realizing the importance of being part of the mainstream in the United States, he wanted only to be known as a legislator, and as a Texan.

We remember him as both those things tonight, and we thank him for the lifetime of service he gave to our country. You must admire a man who hauls off and punches a fellow in the face in a restaurant because he called him a communist.

HENRY B.'s tell-it-like-it-is-style has been a burr under the saddle of presidents; he has occasionally annoyed his colleagues with a never-give-up-attitude; and he is much loved, and has been much lived, throughout his career by his constituents, friends and those of us who have been privileged to serve as his colleagues in this august body.

I remember a friend telling me that she was a little girl whose mother worked in HENRY B.'s first campaign and she recalled the raw excitement about the campaign, and the elation of the victory. She was so proud when she and her mother were invited to Washingon to see him sworn in. Well, she didn't make it and she

said she's still a little mad at her mom for coming here without her.

She came up here to work in Washington in the 1980s and at dinner one night, I asked her who she would like to meet—the President of the United States, the Speaker of the House, a movie star—Well, she wanted to meet HENRY GONZALEZ. She finally got to meet HENRY GONZALEZ, and she had tears in her eyes after they spoke.

There is not a way to qualify your legacy, mi amigo. You served your country well and showed all of those who followed you the path to success. Thank you.

Mr. MARTINEZ. Mr. Speaker, I rise tonight to pay tribute to a friend, a colleague, and a great American. After a highly distinguished career in public service, representing San Antonio, Texas, HENRY B. GONZALEZ will be retiring from Congress at the end of the year.

In 1961, HENRY GONZALEZ began his congressional career with a bang—becoming the first Mexican-American elected to the U.S. House of Representatives from the State of Texas. HENRY never allowed this institution to shape his thoughts and actions. He was always his own man fighting the good fight.

Mr. Speaker, when I was first elected to the House in 1982, HENRY GONZALEZ had already made his mark on this august body. His leadership on a variety of national issues affecting his constituents, the Hispanic community in general, and the nation as a whole are legendary.

During his congressional tenure, HENRY served as chairman of the committee on Banking, Finance, and Urban Affairs from 1989 to 1994. In his capacity as chairman, HENRY successfully promoted legislation guaranteeing depositors a safe place to put their savings. He championed measures facilitating small business access to credit and strengthened the laws against money laundering and bank fraud.

Under his leadership, the Banking Committee held countless number of hearings on the Bush administration's pre-war Iraq policy. HENRY vigorously investigated the scandal, involving the Bank of Commerce and Credit International, and he took the lead in shedding light on the savings and loan debacle of the 1980's.

Throughout his distinguished public service, HENRY has championed the causes of urban and economic development, affordable housing and civil rights. I'm certain that HENRY must have broken the CONGRESSIONAL RECORD for endurance on special orders. I vividly remember how he would tirelessly take to the floor night after night exposing government incompetence, waste and abuse.

I salute you HENRY. I salute your integrity and leadership. You will be sorely missed.

Mr. TORRES. Mr. Speaker, I am proud to pay tribute today and participate in this special order for Representative HENRY B. GONZALEZ. From one retiring Member of Congress to another, I would like to wish him the best of luck in whatever lies ahead of him. May HENRY's life be in retirement as fruitful as it has been these last 37 years as a Member of Congress. HENRY B. GONZALEZ is an honorable man of impeccable character who has served as a role model for Latinos across the nation, including me. He served as Chairman of the Banking Committee and helped assure his constituency and Latinos across the nation were well served in his committee. Under his chairmanship, sound public policy, ranging from guaranteeing depositors a safe place to put their savings to reauthorizing federal housing laws were written and passed.

What can I say is the most remarkable thing about HENRY B? I can say that he had an unstoppable fighting spirit and a well developed sense of independence. HENRY B. will always stand for his causes, even if he stands alone. He will literally fight for what he thinks is right, and we all know that to be a fact. He is a great man to admire and emulate, and he will be missed.

HENRY B. GONZALEZ has been, to me and the other members of the Congressional Hispanic Caucus, what we call in Spanish a "padrino," a godfather. In Mexican heritage a "padrino" is the person bestowed with the honor of looking after a child and be responsible for the good and moral upbringing of that child. As the "padrino," HENRY B. is the one we came to for advise when we wanted to something, and the one we came to for help when we did it wrong. As a Member of Congress, I am what I am because of HENRY B., all his advice, and my secret desire to emulate him. HENRY, you raised us well. HENRY, I tried my best to emulate you and I hope you're proud of me.

HENRY, I wish the best of luck to you, Bertha, your children, grandchildren, and great-grandchildren. Goodby and godspeed.

Mr. GREEN. HENRY B., we will miss you. We will miss your tenacity, your fighter spirit, your independence. But you have set a course for a lot of us who are now serving in Congress to try to follow in your footsteps.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Mr. GEPHARDT) after 8:30 p.m. on Thursday, October 8, and the balance of the week on account of a death in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for Friday, October 9, and the balance of the week 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. CLAY) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. HARMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. PITTS, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HYDE, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages and is estimated by the public printer to cost $1,108.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1970. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Resources.

S. 2358. An act to provide for the establishment of a presumption of service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes; to the Committee on Veterans' Affairs.

S. 2427. An act 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.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code; to the Committee on the Judiciary.

S. Con. Res. 120. Concurrent resolution to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building"; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled bills, and a concurrent resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and

intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4194. An act 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.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communication, and forensics.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 10, 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:

11590. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements [FV-96-703FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11591. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV98-993-2 FR] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11592. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Areas [Docket No. 97-056-17] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11593. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3- (3,4-dimethoxyphenyl)—1-oxo-2-propenyl] morpholine]; Pesticide Tolerance [OPP-300740; FRL-6036-7] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11594. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerances for Emergency Exemptions [OPP-300720; FRL-6030-3] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11595. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Extension of Tolerance for Emergency Exemptions [OPP-300726; FRL-6032-5] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11596. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Extension of Tolerance for Emergency Exemptions [OPP-300741; FRL-6037-1] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11597. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP-300732; FRL-6035-2] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11598. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mancozeb; Pesticide Tolerances for Emergency Exemptions [OPP-300714; FRL-6029-5] (RIN: 2070-AB78) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11599. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule [MD068-3027; FRL-6174-3] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11600. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [PA-4076a; FRL-6166-1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11601. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN52-01-7277a; MN53-01-7278a; FRL-6162-1] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11602. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds [TN-201-9828a; FRL-6169-6] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11603. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Alabama [AL-046-9826a; FRL-6168-4] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11604. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 80 of the Rules Concerning U.S. Coast Guard Vessel Traffic Services (VTS) Systems in New Orleans, Louisiana—received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11605. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Petition for Rulemaking of Ameritech New Media, Inc. Regarding Development of Competition and Diversity in Video Programming Distribution and Carriage [CS Docket No. 97-248 RM No. 9097] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11606. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F-0183] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 106-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 117-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11609. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway [Transmittal No. DTC 132-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11610. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Algeria [Transmittal No. DTC 124-98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11611. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement with Spain [Transmittal No. DTC 115-98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11612. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Singapore [Transmittal No. DTC 104–98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico [Transmittal No. DTC 96–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11614. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 126–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11615. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 131–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11616. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 127–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11617. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 120–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11618. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with United Kingdom [Transmittal No. DTC 108–98], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

11619. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11620. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Performance Ratings (RIN: 3206–AH77) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11621. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092298B] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11622. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092298A] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11623. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 092898A] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11624. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 092898E] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11625. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 092298C] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11626. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 092998C] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11627. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Ocean Recreational Salmon Fisheries; Closure and Reopening; Queets River, Washington, to Cape Falcon, Oregon, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11628. A letter from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Suspension of Deportation and Cancellation of Removal [EOIR No. 124I; AG ORDER No. 2182–98] (RIN: 1125–AA25) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11629. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility Reporting Requirements (RIN: 2900–AJ09) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee of Conference. Conference report on S. 1260. An act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes (Rept. 105–803). Ordered to be printed.

Mr. GOSS: Permanent Select Committee on Intelligence. Investigation into Iranian Arms Shipments to Bosnia (Rept. 105–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 588. Resolution providing for consideration of the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization (Rept. 105–805). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 589. Resolution waiving a requirement of clause 4(b) of Rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–806). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than October 16, 1998.

H.R. 3055. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 16, 1998.

H.R. 3511. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

H.R. 3828. Referral to the Committees on Veterans Affairs and Commerce extended for a period ending not later than October 16, 1998.

H.R. 3829. Referral to the Committees on Government Reform and Oversight, the Judiciary, and National Security extended for a period ending not later than October 16, 1998.

H.R. 3844. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 16, 1998.

H.R. 4377. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

H.R. 4567. Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Mr. BARCIA of Michigan, Mr. LEACH, Mr. KUCINICH, and Mr. LAFALCE):

H.R. 4756. A bill to ensure that the United States is prepared to meet the Year 2000 computer problem; to the Committee on Science.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. BEREUTER, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BERMAN, Ms. ROS-LEHTINEN, Mrs. MEEK of Florida, Mr. GALLEGLY, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr.

MICA, Mr. YOUNG of Florida, and Mr. WEXLER):

H.R. 4757. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on International Relations.

By Mr. EVANS:

H.R. 4758. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. OXLEY (for himself and Mr. HALL of Texas):

H.R. 4759. A bill to require the Federal Communications Commission to repeal redundant reporting and record keeping requirements, and for other purposes; to the Committee on Commerce.

By Mr. BARCIA of Michigan:

H.R. 4760. A bill to require the United States Fish and Wildlife Service to approve a permit required for importation of certain wildlife items taken in Tajikistan; to the Committee on Resources.

By Mr. CRANE (for himself, Mr. SMITH of Oregon, Mr. THOMAS, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. WATKINS, Mr. COMBEST, Mr. KOLBE, Mr. HERGER, Mr. HOUGHTON, Mr. TANNER, Mr. BARRETT of Nebraska, Mr. CAMP, Mr. EWING, Mr. SAM JOHNSON of Texas, Mr. NUSSLE, Mr. RAMSTAD, Mr. COLLINS, Ms. DUNN of Washington, Mr. LEWIS of Kentucky, Mr. POMBO, Mr. PORTMAN, Mr. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. WELLER, and Mr. BERRY):

H.R. 4761. A bill to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. NEY, Mr. REGULA, Mr. WALSH, Mr. TRAFICANT, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. EVANS, Mr. HOLDEN, Mr. BROWN of Ohio, and Mr. KUCINICH):

H.R. 4762. A bill to impose a temporary ban on the importation of certain steel products from Japan, Russia, and Brazil, and for other purposes; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 4763. A bill to declare certain Amerasians to be citizens of the United States; to the Committee on the Judiciary.

By Mr. ADERHOLT:

H.R. 4764. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. BLILEY (for himself and Mr. GINGRICH):

H.R. 4765. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 4766. A bill to require the Secretary of Education to conduct a study and submit a report regarding the availability of educational instruction in the English language to student citizens in the Commonwealth of Puerto Rico; to the Committee on Education and the Workforce.

By Ms. DEGETTE:

H.R. 4767. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Commerce.

By Mr. ENGEL:

H.R. 4768. A bill to designate the United States Courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania:

H.R. 4769. A bill to require the Secretary of the Treasury to prepare a report on the current Federal program costs, and Federal revenues, attributable to the Commonwealth of Puerto Rico and on other matters relating to the taxation of residents of the Commonwealth of Puerto Rico; to the Committee on Ways and Means.

By Mr. FAWELL:

H.R. 4770. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. HEFLEY:

H.R. 4771. A bill to direct the Secretary of Health and Human Services to waive the penalty for late enrollment under part B of the Medicare Program for certain military retirees and dependents, and for other purposes; to the Committee on Commerce, 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. HILL:

H.R. 4772. A bill to amend the Federal Election Campaign Act of 1971 to prohibit disbursements of non-Federal funds by foreign nationals in campaigns for election for Federal office; to the Committee on House Oversight.

By Mr. MCDERMOTT (for himself, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. JEFFERSON, and Mr. MATSUI):

H.R. 4773. A bill to provide for assistance by the United States to promote economic growth and stabilization of Northern Ireland and the border counties of the Irish Republic; to the Committee on International Relations, 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. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. SNOWBARGER, and Mr. RYUN):

H.R. 4774. A bill to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the "Clifford R. Hope Post Office"; to the Committee on Government Reform and Oversight.

By Mr. MORAN of Kansas:

H.R. 4775. A bill to amend title 36, United States Code, to grant a Federal charter to The National Teachers Hall of Fame in Emporia, Kansas; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 4776. A bill to make it a Federal crime to use a weapon of a State or local law enforcement officer in the commission of a crime against the officer; to the Committee on the Judiciary.

By Ms. NORTON (for herself and Mr. NADLER):

H.R. 4777. A bill to expand authority for programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles to include an option to pay cash for agency-provided parking spaces, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. PITTS (for himself, Mr. FAWELL, Mr. HOEKSTRA, Mr. SOUDER, Mr. PETRI, Mr. TALENT, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, Mr. RAMSTAD, Mr. CUNNINGHAM, and Mr. MANZULLO):

H.R. 4778. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4779. A bill to provide block grant options for certain education funding; to the Committee on Education and the Workforce.

By Mr. SALMON:

H.R. 4780. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Ways and Means.

By Mr. BOB SCHAFFER:

H.R. 4781. A bill to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such Act during the periods covered by such reports; to the Committee on House Oversight.

By Mr. THOMPSON:

H.R. 4782. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable and to increase the amount of allowable dependent care expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.J. Res. 133. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

By Ms. PELOSI (for herself, Mr. LANTOS, Mr. BONIOR, Mr. TORRES, Mr. YATES, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. BROWN of California, Mr. MCGOVERN, Mr. OBERSTAR, Mr. MINGE, Mr. SABO, Mr. HINCHEY, Mr. KLECZKA, Mr. MARKEY, Mr. ENGEL, Mr. FARR of California, Mr. DELAHUNT, Mr. OLVER, Ms. KILPATRICK, Mr. MEEHAN, Mr. STARK, Mr. FROST, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. SANDERS, Ms. RIVERS, Ms. WATERS, Mr. LEACH, Mr. PRICE of North Carolina, Ms. ESHOO, Mr. MCDERMOTT, Ms. WOOLSEY, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, and Mr. DAVIS of Illinois):

H. Con. Res. 347. Concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on International Relations.

By Mr. SCARBOROUGH (for himself, Mr. ARMEY, Mrs. JOHNSON of Connecticut, Ms. CARSON, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE):

H. Res. 590. A resolution recognizing and honoring Hunter Scott for his efforts to

honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS and for the outstanding example he has set for the young people of the United States; to the Committee on Government Reform and Oversight.

By Mr. MEEKS of New York (for himself, Mr. CONYERS, and Mr. JACKSON of Illinois):

H. Res. 591. A resolution expressing the sense of the House of Representatives that the Supreme Court of the United States should improve its employment practices with regard to hiring more qualified minority applicants to serve as clerks to the Justices; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ORTIZ:

H.R. 4783. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GRIEFSWALD; to the Committee on Transportation and Infrastructure.

By Mr. YATES:

H.R. 4784. A bill for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. PRICE of North Carolina, Mr. STUPAK, Ms. LEE, Mr. COYNE, Mr. MURTHA, and Mr. VENTO.

H.R. 44: Ms. ROS-LEHTINEN.

H.R. 167: Ms. ROS-LEHTINEN.

H.R. 168: Ms. ROS-LEHTINEN.

H.R. 371: Mr. DELAHUNT, Mr. CONYERS, Mr. SOUDER, and Mrs. BONO.

H.R. 616: Mr. SHERMAN.

H.R. 836: Mr. SHAYS and Ms. MCCARTHY of Missouri.

H.R. 900: Mr. BECERRA, Mr. WATT of North Carolina, Ms. MCCARTHY of Missouri, and Mr. THOMPSON.

H.R. 1059: Mr. HILL.

H.R. 1073: Ms. ROS-LEHTINEN.

H.R. 1111: Mr. DRIER and Mr. HALL of Ohio.

H.R. 1126: Mr. STRICKLAND.

H.R. 1232: Mr. KLECZKA and Mr. ABERCROMBIE.

H.R. 1261: Mr. PETERSON of Minnesota.

H.R. 1354: Mr. LANTOS and Mr. GEJDENSON.

H.R. 1401: Mr. ACKERMAN.

H.R. 2009: Mr. ROEMER.

H.R. 2273: Mr. JENKINS.

H.R. 2397: Mr. WISE and Mr. BLAGOJEVICH.

H.R. 2465: Mr. LIPINSKI.

H.R. 2524: Mrs. CAPPS.

H.R. 2560: Mr. HASTERT, Mr. GALLEGLY, and Mr. MURTHA.

H.R. 2635: Mr. MINGE and Mr. JOHNSON of Wisconsin.

H.R. 2715: Mr. NEY and Mr. INGLIS of South Carolina.

H.R. 2733: Mr. CUMMINGS.

H.R. 2908: Mr. HOEKSTRA.

H.R. 2938: Mr. VISCLOSKY.

H.R. 2950: Mr. BURTON of Indiana.

H.R. 3008: Mr. GILLMOR.

H.R. 3033: Mr. DEUTSCH.

H.R. 3279: Mr. DEFAZIO.

H.R. 3514: Mr. BLUMENAUER, Mr. RODRIGUEZ, and Mr. LEVIN.

H.R. 3572: Mr. BUYER.

H.R. 3637: Mr. FATTAH.

H.R. 3702: Mr. STRICKLAND.

H.R. 3720: Mr. HOSTETTLER, Mr. ADERHOLT, Mr. NORWOOD, and Mr. CALVERT.

H.R. 3766: Mr. LEWIS of Kentucky and Mr. BLUMENAUER.

H.R. 3779: Mr. BOB SCHAFFER, Mr. DEUTSCH, Mr. SAWYER, and Mrs. WILSON.

H.R. 3794: Mr. BLUMENAUER.

H.R. 3833: Mr. UNDERWOOD.

H.R. 3879: Mr. EWING.

H.R. 3946: Mr. DOYLE, Ms. SÁNCHEZ, and Mrs. CAPPS.

H.R. 3949: Mr. THOMAS and Mr. DICKEY.

H.R. 3956: Ms. BROWN of Florida and Mr. ABERCROMBIE.

H.R. 4019: Mr. SPRATT and Mr. DOYLE.

H.R. 4035: Mr. HILL, Mr. MOAKLEY, Mr. BUNNING of Kentucky, Mr. CHAMBLISS, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. GEJDENSON, Mr. BLUNT, Mr. MASCARA, Mr. POSHARD, and Mrs. NORTHUP.

H.R. 4036: Mr. HILL, Mr. BAKER, Mr. MOAKLEY, Mr. BUNNING of Kentucky, Mr. CHAMBLISS, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. PALLONE, Mr. FALEOMAVAEGA, Mr. GEJDENSON, Mr. DICKS, Mr. BLUNT, Mr. PARKER, Mr. SHAW, Mr. PASCRELL, Mr. MASCARA, Mr. POSHARD, Mr. BORSKI, Mr. WHITFIELD, Mr. SPRATT, Mr. LATOURETTE, Mr. PETERSON of Pennsylvania, Mr. SCARBOROUGH, Mr. DIAZ-BALART, and Ms. MILLENDER-MCDONALD.

H.R. 4126: Mrs. LINDA SMITH of Washington.

H.R. 4127: Mr. SANDERS.

H.R. 4130: Mr. DEFAZIO.

H.R. 4153: Mr. CAMP.

H.R. 4154: Mr. NORWOOD.

H.R. 4291: Mr. MALONEY of Connecticut.

H.R. 4358: Mr. ROTHMAN.

H.R. 4383: Mr. DEAL of Georgia, Mr. WYNN, and Mr. NORWOOD.

H.R. 4415: Mr. SCARBOROUGH.

H.R. 4449: Mr. JOHNSON of Wisconsin and Mr. HINOJOSA.

H.R. 4467: Mr. BROWN of California, Mr. BONIOR, and Ms. DELAURO.

H.R. 4492: Mr. SANDLIN, Mr. MCHUGH, Mr. METCALF, and Mr. BLUMENAUER.

H.R. 4513: Mr. REDMOND.

H.R. 4545: Mr. PALLONE.

H.R. 4546: Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. MCCRERY, Mr. SNOWBARGER, Mr. STEARNS, Mr. MCINTOSH, Mr. HOEKSTRA, Mr. BOB SCHAFFER, Mr. PORTER, Mr. TALENT, Mr. DEAL of Georgia, Mr. DUNCAN, and Mr. CHAMBLISS.

H.R. 4552: Mrs. MALONEY of New York.

H.R. 4553: Mr. BEREUTER and Mr. BOB SCHAFFER.

H.R. 4581: Mr. OBERSTAR.

H.R. 4628: Mr. FARR of California.

H.R. 4648: Mr. MARKEY, Mr. KENNEDY of Massachusetts, and Mr. MEEHAN.

H.R. 4653: Mr. FILNER, Mr. TRAFICANT, and Mr. HINCHEY.

H.R. 4683: Mr. SANDERS, Mr. SHERMAN, and Ms. SLAUGHTER.

H.R. 4686: Mr. FORD.

H.R. 4709: Mr. YOUNG of Florida.

H.R. 4717: Ms. MCCARTHY of Missouri, Mr. GIBBONS, and Mr. ADERHOLT.

H.R. 4727: Mr. MURTHA, Mr. STUPAK, and Mr. PALLONE.

H.R. 4733: Mr. BENTSEN.

H.R. 4737: Ms. ESHOO.

H. Con. Res. 122: Ms. SLAUGHTER.

H. Con. Res. 229: Ms. GRANGER, Mr. LATOURETTE, and Ms. ROS-LEHTINEN.

H. Con. Res. 274: Mr. GOSS and Ms. ROS-LEHTINEN.

H. Con. Res. 286: Mr. OBERSTAR and Ms. MCKINNEY.

H. Con. Res. 314: Mr. CANADY of Florida.

H. Con. Res. 325: Mr. CONYERS.

H. Con. Res. 328: Ms. SLAUGHTER, Mrs. EMERSON, Mr. CHAMBLISS, Mr. OBEY, Mr. TANNER, Mr. HOEKSTRA, and Mr. BENTSEN.

H. Con. Res. 335: Mrs. MORELLA.

H. Con. Res. 345: Mr. MCCOLLUM, Mr. HEFLEY, Mr. FORBES, Mr. BACHUS, Mr. KNOLLENBERG, Mr. WATTS of Oklahoma, Mr. GREEN, Mr. FOX of Pennsylvania, Mr. GIBBONS, Mr. SCHUMER, Mr. COOK, Mr. SESSIONS, Mr. ADERHOLT, Mr. TALENT, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. SNOWBARGER, Mr. TIAHRT, Mr. ROHRABACHER, Mr. WELDON of Pennsylvania, and Mr. BURTON of Indiana.

H. Res. 406: Mr. HASTINGS of Washington.

H. Res. 483: Mr. SAWYER, Mr. BONIOR, Mr. OWENS, and Mr. MEEKS of New York.

H. Res. 519: Mr. GOODLING.

H. Res. 561: Mr. PORTER.

H. Res. 571: Mr. GRAHAM and Mr. ABERCROMBIE.

SENATE—*Friday, October 9, 1998*

(Legislative day of Friday, October 2, 1998)

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

PRAYER

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

Eternal God, sovereign of history, who gives beginnings and ends to the phases of our work, on whom our mortal efforts depend, soon this hallowed Chamber will be silent for a time. The 105th Congress will be completed. Historians will write the human judgments of what has been accomplished, but You will have the final word about what has been achieved. It is Your affirmation that we seek. Senators in both parties have prayed to know and do Your will. Often there has been sharp disagreement on what is best for our Nation. Thank You for those times when debate led to deeper truth and compromise to the blending of aspects for a greater solution. We need that today. We remember those moving moments when we sensed Your presence, received supernatural power, and pressed on in spite of tiredness and tension. We need that today. Help us to forgive and forget any memories of strained relationships or debilitating differences. Preserve the friendships that reach across party lines. We need that today.

Father, help us to finish well. Give us strength to complete the work of this Congress with expeditious excellence. Renew the weary, reinforce the fatigued, rejuvenate the anxious. When it is all said and done, there is one last word we long to hear. It is Your divine accolade, "Well done, good and faithful servant." Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President, and good morning to you.

SCHEDULE

Mr. LOTT. Mr. President, this morning there will be 15 minutes remaining for debate on the religious freedom bill. At 9:45, under a previous order, the Senate will proceed to vote on the passage of the religious freedom bill. I commend Senator ARLEN SPECTER and Senator NICKLES and Senators on both sides of the aisle who have worked on this. I am sure Senator LIEBERMAN was involved, and others. I think this is a really fine accomplishment in the waning hours of this session of Congress.

Following that vote, the Senate may consider any available appropriations conference reports—we have at least one that I believe could be taken up, that is the Treasury-Postal Service bill—and any other legislative or executive items cleared for action. It is anticipated that we will move at some point today to the nomination of Mr. Paez from California, to be a judge for the Ninth Circuit. There is opposition, significant opposition to that nomination, so there will have to be some debate and I am sure a vote.

The Senate will also consider a continuing resolution or an omnibus appropriations bill, should they become available or when they become available. Members should expect, then, rollcall votes throughout today's session and into the evening. I thank my colleagues for their attention.

I might just note, last night a lot of good work was done in the wrapup, including approval of the intelligence authorization conference report and the water resources bill. This is a very significant bill that is important to every State in the Nation. It had been tied up with various and sundry problems, but with a lot of hard work and a lot of cooperation, that bill was cleared. We hope, now, the House will take expeditious action and we can complete action on the water resources bill before we go out for the year. Also, we did the human resources reauthorization and the vocational education bill. When you couple higher education and vocational education, plus the Coverdell A+ bill that Congress passed, there has been a significant achievement this year in education. Even though the President vetoed the ability for people to save for their children's education, higher education and vocational education are two areas where we have completed our action and will be signed into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

A PRODUCTIVE BIRTHDAY FOR THE MAJORITY LEADER

Mr. NICKLES. Mr. President, the majority leader announced several things we accomplished yesterday. It was a pretty productive day. Today I hope will be even a more productive day. Because it is one of the last days of our legislative session, but also because it is the majority leader's birthday, we want it to be a very productive day.

FREEDOM FROM RELIGIOUS PERSECUTION ACT OF 1998

Mr. NICKLES. Mr. President, I think the regular order is we are back on the International Religious Freedom Act?

The PRESIDING OFFICER (Mr. ALLARD). If the Senator will suspend, the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. There are 15 minutes equally divided. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I spoke at length on this bill last night. I mentioned that we have had a lot of cooperation and effort on behalf of a lot of Senators to help make this bill a reality and hopefully to soon become law. Principal among those is Senator LIEBERMAN from Connecticut, who is not just a principal cosponsor, but a tireless worker on behalf of individuals throughout the world who have been suffering from religious persecution or who desire religious freedom. Senator LIEBERMAN has been working on their behalf. I am privileged to work with him on this bill and I yield him such time as he desires on this bill.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Oklahoma for his kind words and for his extraordinary leadership on this measure.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, we are heading rapidly to the end of this second half of the 105th Congress. There will be time for reviews and evaluations. Some will say what did we accomplish in this second part of this 105th Congress? I hope when we are asked that, one of the answers we will be able to give is that we adopted the International Religious Freedom Act, a historic piece of legislation, genuinely bipartisan, representing and expressing the core beliefs and values of the American people and putting those beliefs and values at the center of our foreign policy.

It is, in fact, a measure that has the potential to affect the freedom, the

lives, the fates of tens of millions of people around the world today who are denied the basic right of freedom of religion that brought so many of our ancestors to the United States.

This kind of measure does not reach the edge of passage without a lot of strong support. I thank particularly the Senator from Oklahoma, Mr. NICKLES, and his outstanding staff—especially Steve Moffitt of that staff—for the hundreds of hours that they spent working on this legislation and the spirit of common purpose that guided them as we went on.

I thank also my friend and colleague from Delaware, Senator BIDEN, and his staff, particularly Brian McKeon, who contributed immeasurably to, not only the purpose, but to the way in which this legislation is crafted; to Senator FEINSTEIN and her staff, particularly Dan Shapiro, for their very constructive contributions; and Senator COATS as well, about whom I have a little more to say in a few moments. And I want to recognize Cecile Shea who is on my staff for the literally hundreds of hours she worked to help craft this bill.

This effort began with some Pied Pipers outside the Congress who educated us to the fact that these religious freedoms that we hold so dear in the United States are not real for many people, millions of people around the world. Surprisingly to many of us, they are particularly not real for people of the Christian faith around the world, who are subjected to discrimination, and in many cases persecution.

One of the people who started this effort was Michael Horowitz of the Hudson Institute, and he deserves to be mentioned here and thanked for educating and opening our eyes to the persecution that exists. Senator SPECTER and Congressman WOLF introduced the initial bill. They were the pioneers here and blended together with the effort that Senator NICKLES and I initiated here in the Senate. I thank them for their support.

As we come to the conclusion, I want to thank the administration representatives, led by Under Secretary Stuart Eizenstat, who worked with us to craft the language that could finally be approved by National Security Advisor Sandy Berger and the President. The administration endorsement guarantees that when passed this legislation will become law.

The list of groups that endorsed the act is extraordinary, a true expression of all of God's children:

The Episcopal Church, the Catholic Conference, the United Methodist Church Women's Division, the Evangelical Lutherans, the American Jewish Committee, the Christian Coalition, the National Association of Evangelicals—the list goes on and on and on—the B'nai B'rith, the Anti-Defamation League, the Catholic conference of Major Superiors of Men's Institutes, the Jewish Council for Public Affairs, the National Conference of Soviet Jewry, the Union of American Hebrew Congregations, the Union of Orthodox Jewish Congregations of America, the American Coptic Association, Advocates International, the Religious Liberty Commission of the Southern Baptist Convention, Union of American Hebrew Congregations, the International Fellowship of Jews and Christians, the Traditional Values Coalition, the Justice Fellowship and the Church of the Disciples.

What brought all of these groups together? What brought them together is, in many ways, what brought the founders of our country to these shores and what led them to declare their independence ultimately from England. And that was faith, shared faith in God and a belief that no government has the right to tell people how to worship and certainly does not have the right to discriminate against them or persecute them for the way in which they choose to express their faith in God.

The founders of this country declared in the Declaration of Independence that: "We hold these truths to be self-evident, that all men are created equal" and that they have certain endowments, not from the founders of the country, not from a group of politicians. The endowments come from their Creator, and the endowment is the right to life, liberty and the pursuit of happiness. Then in the very first amendment to the Bill of Rights, they established the freedom of religion that has been so dear to our country, so central to our country and such a magnet for our fathers and grandfathers and great grandfathers who came here driven by a desire to have that freedom.

On this day, I think of my grandmother who came here from Central Europe. My grandmother was probably one of the greatest American patriots I ever knew, for a simple reason: She said to me in her old age how much she loved the country. She said, "It may not seem that profound to you, it may not seem that complicated, but the fact I can walk to synagogue on Saturday morning and not only is no one harassing me or bothering me, not only do I live free of fear, not only do I have no hesitation about what I will find in the synagogue, nobody bothering the building or any of us worshipping there, but my neighbors who are not Jewish, as they see me, say 'Good morning, Mrs. Manger, good Sabbath to you.'"

This to her expressed the essence of what it meant to be American and free and the gratitude that she felt. In some measure, I suppose many of us are supporting this legislation and trying to express that gratitude by extending as best we can that freedom and respect to people around the world.

Some say, "OK, it is good for the United States. What gives you the right to tell other countries how they should treat their citizens?" What we are saying here is that we have the right to express our values; we have the right to put our values at the center of our foreign policy. Countries can do what they will, but we have no obligation to deal with countries on a normal basis, to give them aid and comfort if they are violating a central animating principle of American life, which is freedom of religion.

Who else, if not a nation whose forebears and citizens, beginning with the Puritans and continuing to this day, suffered under persecutors in foreign lands before coming to this country? Who else will speak for those around the world who are denied those basic liberties?

Mr. President, this legislation, finely crafted, worked on for more than a year, expresses, in sensible terms, those values to which I have spoken. It clearly states America's unwavering commitment to religious freedom around the world. It requires that every succeeding American administration report once a year on the state of religious freedom in every country in the world—put it on the record—and also report on the steps the administration has taken to encourage—and that is the way this proposal will best work—and raise the status of religious freedom in every country around the world to a level of visibility and report on it. We have given the administrations—this and all future administrations—a menu of choices to respond to, some modest and, in most extreme cases of persecution, some severe.

In nations where violations are particularly egregious, where torture, execution and inhumane punishment routinely are used to limit the free expression of religion, today the President may choose from a list of economic incentives to pressure the offending government to reform. The menu of sanctions in this bill is narrowly focused. It is designed to mitigate the offending behavior without causing economic hardship to our own country. The President has a waiver authority on the sanctions and is also required to seek, first, multilateral cooperation in this sanctions bill.

But this is much more than a sanctions bill. It is a reminder to the executive branch of the American Government, both now and in the future, that as it encourages human rights around the world, it must consider freedom of religion.

This bill requires training in religious freedom issues for foreign service and immigration officials. It establishes an independent commission to monitor religious persecution around the world and to make recommendations to the administration on how to encourage greater religious freedom.

Mr. President, right now somewhere in the world a man or woman languishes in prison, some on death row, because he or she did nothing more than choose faith in God over personal expediency. They probably wonder if anyone cares about what has happened to them. In too many places in this world today, a group, a village, perhaps a province, will suffer economic hardship, lack of access to medical care, systematic harassment and intimidation because its citizens refuse to turn their backs on the most fundamental definition of who they are. They wonder, I suppose, whether anyone cares or has noticed. And this bill, the International Religious Freedom Act, says to them that we notice, we care and the Government of the strongest nation in the world will speak up for them to protect their right to worship their God in the way in which they choose.

Mr. President, just a final word about our retiring colleague from Indiana, Senator DAN COATS. As fine a person of faith as I have ever known in my life, as trustworthy a man as I have ever had the privilege to work with, worked very hard on this piece of legislation because the principles embodied in this legislation spring from the inner core of this man of surpassing and illuminating Christian faith.

In some measure, I think this is one of the great testaments, one of the great monuments that he will leave as he leaves the Senate. With this act, we send a message that our Nation, founded under God, with freedom of conscience on religion as its cornerstone is prepared to do what it can to extend those values reasonably, sensibly to people throughout the world.

Mr. DODD. Mr. President, I rise to support H.R. 2431—the International Religious Persecution Act of 1998—as amended by the substitute offered by Senator NICKLES and others. I believe that the changes that this amendment makes to the underlying bill vastly improve the effectiveness of this legislation in promoting religious freedom around the world and in better responding to actions that would deny people such freedom, regardless of where they reside.

Mr. President, we in the United States are very fortunate. Our Founding Fathers recognized the importance of religious freedom as a bedrock issue. That they did so is not surprising. It was borne out of their personal experiences having been forced to flee their countries because of religious intolerance and outright persecution. For that reason, religious freedom was given a prominent place by the drafters of the Constitution—in the Bill of Rights as the first amendment to the Constitution.

We as Americans are not the only ones who cherish and hold dear our religious freedom. This important and unalienable right is also a part of the universal collection of rights that people around the globe hold sacred. It is recognized in both the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights.

Despite the seeming universality of the right to religious freedom, people throughout the planet are every day being denied the right to practice their religion—Christian and Jew, Moslem and Buddhist, Hindu and Baha'i. At its most extreme, unthinkable acts have been perpetrated against an entire people in the process of denying them the right to practice their faith, I am speaking of the annihilation of more than 6 million Jews by Adolf Hitler while the world looked on.

Even today, religious intolerance remains rooted in too many societies throughout the planet—in Iran, in Sudan, in Burma, in the People's Republic of China, in Russia—and this is by no means an exhaustive list.

H.R. 2431, as amended, seeks to establish a policy and procedures for the United States government to follow in defending religious freedom internationally. It provides for the imposition of targeted sanctions against governments which practice religious persecution. However, it also gives the President and the Secretary of State some measure of flexibility in carrying out the policy.

I am also pleased to note that it excludes the denial of food and medicine as a sanctions option under this legislation. I have never believed that to deny innocent men, women and children access to the very basic necessities of life places the United States as a government on a particularly high moral ground at the very time we are trying to elicit a higher standard of moral behavior by other governments. The bill also includes waiver authority that will enable the President to react with flexibility to changing events in furtherance of U.S. national interests. Finally, the bill includes a sunset provision that would lift any sanctions imposed pursuant to this act after two years, unless specifically reauthorized by the Congress.

I believe that President Clinton is committed to promoting international religious freedom. In no way should the passage of this legislation be interpreted as a criticism of the administration's efforts to champion the cause of international religious freedom. Rather, my support for this legislation should be viewed as an effort to complement the Administration's efforts. Passage of the pending legislation will signal to the world that the Congress stands fully behind all efforts to promote religious freedom along with other fundamental human rights as a core component in the United States foreign policy agenda.

I commend Senator NICKLES and my colleague from Connecticut Senator LIEBERMAN for all their work on this legislation. Thanks to their efforts to perfect and refine its provisions, this legislation will be far more effective in furthering U.S. efforts to promote respect for religious freedom throughout the world.

Mr. President, I am pleased to join with them and many others in this Chamber in voting for final passage of this bill at the appropriate time.

Mr. ASHCROFT. Mr. President, the International Religious Freedom Act of 1998 represents a vitally important piece of legislation to raise awareness of and combat religious persecution overseas. Some would downplay the problem of religious persecution abroad, but preserving religious freedom at home and promoting it in other countries is central to the purpose and objectives of the United States.

In our own history as a nation and in the histories of countries around the world, religious freedom has been at the center of movements for broader civil liberty. Efforts to restrict religious freedom strike at the heart of liberty itself. Thus, the United States has a duty to stand for religious liberty abroad as we continue to preserve it at home.

If the Administration had been more aggressive in confronting religious persecution, such legislation might not be necessary. In fact, at a White House meeting to discuss one of the major bills on religious persecution, President Clinton told religious leaders that legislation which actually required him to confront persecution abroad would put "enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on."

That is a troubling statement by the President of the United States, which not only calls us to question this Administration's commitment to fight religious persecution, but the reliability of other presidential certifications on issues such as Chinese missile and nuclear proliferation. Such statements by Administration officials make it clear why legislation to address religious persecution is needed.

Religious persecution is a tragic fact of life in many countries, from Latin America to Asia to Africa. Religious persecution in Sudan and China has been of particular concern to me. As Chairman of the Africa Subcommittee, I held a hearing on religious persecution in Sudan in September of last year.

Religious persecution has become enmeshed in a brutal Sudanese civil war that has taken more than 1.5 million civilians since 1983, with over 4 million more being displaced by the fighting. An estimated 430,000 refugees have fled Sudan to seek safety in neighboring countries.

Human rights organizations working in Sudan have testified before Congress

that the government uses "aerial bombardment and burning of villages, arbitrary arrests, torture, chattel slavery—especially child slavery—hostage taking, summary execution, inciting deadly tribal conflict, the abduction and brainwashing of children, the arrest of Christian pastors and lay church workers, and the imprisonment of moderate Muslim religious leaders" to suppress dissent and form a radical Islamic state. Such barbarous atrocities, along with Sudan's support for international terrorism, has led me to introduce legislation to cut off financial transactions with the Sudanese government.

The viciousness of religious persecution in Sudan should not callous us to the very real and brutal oppression taking place in other countries. As Nina Shea notes in The Lion's Den, China has more Christians in prison because of religious activities than any other nation. The State Department's first comprehensive review of persecution against Christians, issued in July 1997 and entitled "U.S. Policy in Support of Religious Freedom," says, "The Government of China has sought to restrict all actual religious practice to government-subsidized religious organizations and registered places of worship."

China's efforts to restrict religious freedom are driven by oppressive policies which seek to make all religion subservient to the state's secular objectives. In the book China: State Control of Religion, Human Rights Watch states that "the Chinese government believes that religion breeds disloyalty, separatism, and subversion." The book goes on to note: "Chinese authorities are keenly aware of the role that the church played in Eastern Europe during the disintegration of the Soviet empire."

Rather than embrace and encourage the free expression of faith, the Chinese government is engaged in a massive, ongoing, and brutal effort to repress non-sanctioned religious activity. Ministers or lay people who seek to practice their faith free from bureaucratic interference and oppression are subjected to imprisonment, torture, and worse. The Far Eastern Economic Review noted that 15,000 religious sites were destroyed by government police in the first five months of 1996 alone. Paul Marshall and Nina Shea note that "China's underground Christians are the target of what they themselves describe as the most brutal repression since the early 1980s when China was just emerging from the terror of the Cultural Revolution."

And yet, in spite of such repression by the Chinese Communist government, this Administration declined even to sponsor a resolution at the U.N. Commission on Human Rights condemning China's human rights record. Apparently, some type of back door deal was made with the Chinese government in which a few prisoners would be released and we would turn our head and close our ears to the thousands that remain in Chinese prisons and labor camps.

I am aware of mounting concern in the U.S. business community on the damage done to U.S. competitiveness due to unilateral sanctions. I want U.S. companies to compete and succeed in the international marketplace. The Nickles legislation, however, is a carefully crafted bill which offers the President an array of options to promote religious liberty abroad and will target any resulting sanctions on those countries most deserving of reproach for religious persecution. This legislation is a necessary first step to address the problem of religious persecution.

Mr. President, I submit that it is time for the Senate of the United States to take a stand on this issue of religious persecution, and passage of the Nickles legislation offers just such an opportunity. It is also time for the Executive Branch to take a stand on this issue. Rather than look at how we might "fudge" legislative requirements to avoid confronting oppression abroad, let us have the courage of our convictions. Mr. President, I yield the floor.

Mr. BREAUX. Mr. President, I rise today to express my enthusiastic support for the International Religious Freedom Act of 1998, which was passed by the Senate earlier today. This legislation condemns religious persecution and promotes what is indisputably a fundamental human right—the right to freedom or religion.

I am proud to have co-sponsored this legislation, which I might add was passed by the Senate without opposition. That is due in no small part to the efforts of Senators NICKLES and LIEBERMAN. I want to commend them and their staffs for all the hard work they've done to craft a bill that is meaningful and effective without being excessively rigid or inflexible.

Mr. President, it has amazed me to see how Americans' awareness of religious persecution abroad has grown just in this decade. It is, no doubt, a result of the incredible resources and vast amounts of information that ordinary Americans now have at their fingertips. As more and more people gain access to the Internet, the velocity of information continues to increase. Americans have learned about religious persecution by foreign governments around the globe and they expect our government to take serious action to curb this behavior.

Their can be no doubt that we have a responsibility to advocate and encourage freedom of religion in foreign lands. We, as a nation, have always held it to be the most sacrosanct of human rights. Indeed, it is not just enshrined in our Bill of Rights, it is a thread that is woven into the very fabric of our national identity.

The International Religious Freedom Act channels U.S. assistance to governments that are not gross violators of human rights, in particular the right to religious freedom. It provides for sanctions or other comparable action against countries that persecute citizens on religious grounds. The bill establishes a Commission on International Religious Persecution to publish yearly recommendations to the White House and the Congress on how to promote religious freedom abroad. It also establishes an Ambassador-at-Large of Religious Freedom within the State Department and a Special Advisor on International Religious Freedom within the National Security Council. As a result, it requires the Administration to produce a yearly "Annual Report on Religious Freedom Around the World."

Mr. President, these are reasonable provisions that I believe will help focus our efforts to stand up for religious freedom abroad while at the same time allowing the executive branch a degree of needed flexibility to deal with different facts and circumstances in different instances of persecution. It is an important bill, and I am hopeful that the Congress can send it to the President for signature before adjournment.

Mr. HATCH. Mr. President, it is fitting that, as we conclude the 105th Congress, we can add to our long list of accomplishments the passage of the International Religious Freedom Act of 1998.

This bill has been in the works throughout this Congress and is a fine example of the legislative results we can achieve through long, thoughtful study and debate. I would like to compliment the numerous members and their staffs who have worked on this bill since its inception. Senator SPECTER introduced the first version of this bill last year. Senator LUGAR and Senator LIEBERMAN worked diligently to develop that initial draft. And Senator NICKLES took the final drafts and brought the bill to the version we will vote on today.

Numerous compromises were made, but the lasting product of this body rarely passes without such compromising, and again I wish to compliment all the senators who so assiduously developed the bill I expect will pass overwhelmingly this morning.

There is a conceptual problem whenever we seek to apply serious diplomatic and economic sanctions to worldwide problems. On the one hand, you risk over 70 cases of unintended consequences. I use that number because recent estimates are that at least 70 nations violate, abuse or proscribe outright religious freedom. One legislative solution mandating tangible and serious sanctions applied to over 70 cases can have a myriad of consequences we don't intend.

On the other hand, a mere resolution of disapproval of such behavior appears

weak, and can give the signal that the Congress is strong on denunciation, but weak on action.

Mr. President, one of my favorite quotes on geopolitics comes from the British historian Paul Johnson, who wrote in his magisterial history of the blood-soaked 20th century, Modern Times, that "it is of the essence of geopolitics to be able to distinguish between different degrees of evil."

Of course, evil is evil. But, it takes sophisticated legislating to address it in a geopolitically sound way, and I believe that this current bill has succeeded in doing that.

By the detailed and considered list of incremental actions directed of the President, and by the selective waiver authorities, we have, in the International Religious Freedom Act of 1998, a piece of legislation that is both substantive and flexible. It conscientiously fulfills the Congress's intent to act against one of the most hideous violations of human rights, persecution based on faith.

We could not ignore the moral imperative to act, Mr. President. It would be impossible now to list all of the egregious abuses of this fundamental right that are occurring today, and I fear that to select a few examples risks suggesting other, unmentioned, abuses are less objectionable.

Nor would it be accurate to suggest that abuses of religion occur merely in totalitarian or authoritarian regimes. The renowned human rights organization Freedom House recently reported that the number of democracies in the world has grown over the past ten years from 66 democracies to 117. This is a remarkable accomplishment and bodes well for global political trends.

But we should not believe this trend is irreversible, nor should we assume that all of the new democracies are well-established in their institutions. While democratic development is required to further the protection of individual rights, including the right to conscience and faith, certain democratic regimes around the world still constrain complete freedom of religion.

There is a relation, however, between the degree of abuse of the right to individual faith and authoritarian regimes, because it mostly is in authoritarian regimes do you the horrific abuses—torture, imprisonment, execution and disappearance—that are most disturbing to Americans. That is why all of us gathered today to support this bill must redouble our efforts to maintain a strong commitment to the development and expansion of democracy as a pillar of American foreign policy.

Mr. President, I take my own Mormon faith seriously; and, because of my faith, I am acutely aware of the historical suffering of an intolerant society. Perhaps that is what makes me more attuned to the sufferings of the faithful—of all the great religions—around the world. Perhaps it is because I am a conservative, who simply believes in a life based on faith, family and country, with faith underpinning the values of family and country.

But it is probably because I am an American, a proud citizen of a country where we have so developed a rule of law that enshrines the individual right to belief that we are the envy of freedom-seeking people around the world and the enemies of those regimes too insecure, too primitive, and, in some cases, too barbaric to countenance this most fundamental freedom.

Mr. President, I have traveled a great deal in this world, and I have met many leaders. I have met communists who believed, and believers who countenanced oppression of other faiths. The varieties of personal faith and its expressions are countless, but the fundamental political right to personal conscience is indivisible, and universally desired.

This bill before demonstrates that the United States Congress, and all its members with all their faiths, believe that the pursuit of this political right must be a conscious, vocal, activist, and determined part of our foreign policy. I urge my colleagues to support this bill.

Mr. HUTCHINSON. Mr. President, as an original cosponsor, I rise in strong support of the International Religious Freedom Act and hope for the persecuted everywhere. I commend my colleagues on both sides of the aisle in the Senate and House for their dedicated efforts in crafting this legislation.

Mr. President, the desire for religious freedom is not uniquely American. But as Americans we are in a unique position to advocate it. As a superpower, we have the resources. As a nation of free people, we have the responsibility. Religious freedom is at the core of our country and enshrined in our Constitution. Our nation's founders fled from religious persecution in search of a land where they could freely exercise their ideal of religious freedom They stood recognizing that the suppression of their faith was tryanny over their hearts and minds. They knew that without the freedom to gather, to worship, to speak about their God, there would be no freedom. So they laid a cornerstone for our democracy, establishing freedom in law. And from that day, the protection of religious freedom has become part of our legacy, part of our identify as a nation. We must exercise this identify or one day realize that we have lost it. For the fruits of democracy, hoarded in the hands of the few, become bitter and rotten.

Mr. President this legislation takes concrete steps to promote the basic right to religious freedom. It establishes three entities to cooperatively guarantee that combating religious persecution is a priority in U.S. foreign policy. Within the State Department, an Ambassador-at-Large for Religious Liberty will serve as a high level diplomat, raising issues of religious persecution in bilateral meetings and heading up the Office of International Religious Freedom at the State Department. A Special Advisor on Religious Persecution at the National Security Council will monitor incidents of persecution and act as an advisor and resource for the executive branch. The Commission on International Religious Liberty, a ten member, bipartisan commission, will investigate religious persecution and provide an outside voice for policy recommendations to both Congress and the White House. Under this legislation, the U.S. government collects information on religious persecution, through the compilation of an Annual Report on Religious Persecution, and responds to these violations through a broad range of options, ranging from diplomatic protest to economic sanctions. The apparatus under this legislation is not simply reactive, however. It also provides for active promotion of religious freedom through international broadcasts, Fulbright exchanges, and training for Foreign Service Officers and refugee and asylum personnel on these issues. While the apparatus may seem extensive, it only reflects the magntitude of the problem. I believe that is the least that we can do to lay a concrete foundation for religious freedom.

Religious persecution around the world may go unnoticed in the hectic run of our daily lives, but for millions of people it is a horrifying, incessant reality. They live in fear of arrest, imprisonment, torture, and death for simply exercising their faith. In Pakistan, fear reigns under the constitution, which stipulates the death penalty for blaspheny against Mohammed. Ayoob Masih, a Christian, was beaten by a mob for reading his Bible, arrested, imprisoned, fined, and sentenced to death by hanging for blasphemy. Local police have failed to control angry mobs destroying the homes and churches of Christians in Pakistan. Ahmadis, Hindus, Zakris, and other minority religious groups have also been targets of lynching. In Egypt, Coptic Christians are routinely denied permits to build or repair churches. In Cairo's Tora district, security forces forcibly closed the doors of the Church of St. Bishoi, waxing its windows and preventing any further entry and any freedom to worship there. An eighteen year old girl in Laos was thrown into prison by government forces for teaching Bible classes to neighborhood children. In Iran, a man was shot in the street for not being in the mosque during prayer time. Bahai's have also been subject to a rash of executions. In Sudan, where civil war has ravaged the land and claimed over a million lives, Christians

and Animists are subject to abduction, imprisonment, torture, enslavement, forced conversion to Islam, and execution. Christian children are abducted, forced into reeducation camps, given Arab names, and raised as Muslims. A Muslim sheik who Christianity was arrested, charged with apostasy, and faced with execution unless he returned to Islam within two months. Only government-certified clergymen are allowed to talk about religion in Uzbekistan. Private religious instruction is also formally banned under pains of stiff fines and labor camp sentences.

This type of insidious government control is also present in China, where Article 36 of the Chinese Constitution guarantees religious freedom, but religious repression is carefully meted out through an apparatus of government registration, intense scrutiny, unrelenting intimidation, and brutal punishment. Only five religions are permitted and control is exercised over these official churches in matters such as personnel selection, sermon themes, congregation size, and dissemination of religious materials. Unofficial, or illegal, religious gatherings are forcibly broken up, its participants arrested, victims of extortion, torture, and even fatal beatings. Zheng Muzheng, who was active in sharing his faith, was beaten to death in a jail in Hunan Province. His grieving widow has been repeatedly interrogated and held without arrest. Members of unofficial churches fortunate enough not to be imprisoned live under the glare of government surveillance. They are arbitrarily and repeatedly detained without formal charges, threatened with loss of property and employment, subject to heavy fines—all for believing in and worshiping an authority higher than the Communist Party. Under their reign of terror, Tibetan Buddhist monasteries and temples cannot be constructed and are often destroyed. Monks and nuns are restricted in numbers and tortured. Palden Gyatso, a Tibetan Buddhist monk, testified before the House International Relations Committee about the routine use by the Chinese government of electric shock guns, serrated and hooked knives, handcuffs and thumbcuffs on those who would dare to exercise their constitutionally guaranteed freedom of religion.

The grim and disturbing reality is that religious persecution is not limited to a particular region or a particular faith. It beats on the backs of Christians, Jews, Buddhists, Hindus, Muslims, Baha'is. It scourages over half the world's population in over seventy countries.

Mr. President, this legislation takes comprehensive action against this alarming trend of oppression. Through its reporting provisions, it sheds light on the dark practices of persecution—a radiant ray of hope for those languishing in prisons. By requiring the President to use those means deemed necessary to not allow these atrocious acts to persist, this legislation cracks the heavy yoke of persecution. In its active promotion of religious freedom, it sweeps open the gates of suppressed faith, preparing the way for the liberty.

Mr. President, I am aware that detractors of this legislation claim that it establishes a false hierarchy of human rights abuses. But I suspect that for those same critics, treating all human rights abuses on an equal basis means voting against all human rights provisions on an equal basis. Others claim that it binds the hands of the President, propelling him on a course of self-defeating foreign policy, forcing him to ultimately "fudge" sanctions. This well-crafted legislation has taken this concern into consideration, incorporating the views of its sponsors, the Administration, and the business community. It focuses on specific and particularly egregious instances of religious persecution. While it requires the President to act, it also presents the President with a wide berth of options and requires a review of the potential impact on American security and economic interests and its intended efficacy.

Still others claim that we should not be moralizing or imposing our values on other countries. Those suffering in prison for practicing their faith would certainly disagree. Freedom of religion is a universal right and aspiration, recognized and articulated in a number of international instruments including the Universal Declaration of Human Rights, which states that "Everyone has the right to freedom of thought, conscience, and religion . . . to manifest his religion or belief in teaching, practice, worship, and observance." The International Covenant on Civil and Political Rights recognizes that "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others in public or private, to manifest his religion or belief in worship, observance, practice, and teaching." By advocating this freedom, we are not imposing our values on others but reaffirming a universal right.

We must not cower under the covers of complacency. We must not be complicit actors, carried away in a current of oppression. We must not, for fear of taking a false step on the path of justice, refuse to walk at all. We must be the voice of those muted by their oppressors, crying out for a land of the free. We must, in the words of Ronald Reagan, ". . . be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings."

Mr. FEINGOLD. Mr. President, I offer my comments on the NICKLES substitute amendment to H.R. 2431, the International Religious Freedom Act of 1998.

Mr. President, I commend the Senator from Oklahoma [Mr. NICKLES] for all the hard work that he and others have devoted to this important piece of legislation. These Senators, and our House colleagues, have recognized the importance of promoting religious freedom abroad, and have tried to craft legislation that both emphasizes our serious concerns about this issue, and provides authority to the President to react to governments which abuse these fundamental rights.

In particular, I appreciate their efforts to make improvements to the original bill, most of which I support.

Mr. President, the issue of religious freedom is especially important for our country. Freedom of religion is one of the bedrock principles of American democracy. Our founders, who came to America in part to flee religious intolerance, championed freedom of religion as a universal right, and made it an integral part of the Constitution through the Bill of Rights.

Throughout our history, immigrants from every corner of the globe have arrived on our shores seeking a community where they could practice their religion openly and without fear of persecution. Today, we value the separation of church and state as one of our guiding principles.

But we are all well aware that such liberties are not fully enjoyed everywhere, and there are millions of people who daily face persecution or intolerance because of their religious beliefs. Worse yet, the exploitation of religious and ethnic differences for political ends has become all too common in the post-Cold War era.

These trends have been around for centuries, but have been getting more serious press attention in the last several years. They mirror the myriad other abuses that are conducted, or at least tolerated, by non-democratic regimes around the world. Examples of restrictions on basic freedoms—of expression, of association, of the press—abound, and those who dare violate such restrictions face imprisonment, repression or even death. As we consider this legislation today, it is likely that somewhere, a political prisoner is being beaten by the police or armed forces, or by some paramilitary group whose members might include police officers or soldiers. It is likely that somewhere a union organizer is being detained or harassed by authorities, that a woman is being raped by government thugs, that a newspaper is being shut down, or that a prisoner has "disappeared."

The question for us today is this: what is the appropriate U.S. policy response to such acts of oppression by other nations on the basis of religious beliefs? We should also ask: what is the appropriate response to oppression of any kind?

I firmly believe that the defense of human rights around the world relates directly to our "national interests" and therefore justifies leadership from the United States, a nation founded on respect for individual rights and liberties.

We are bound by our country's founding principles to promote and defend certain ideas: that we are all created equal, that we are born with certain inalienable rights, that government is legitimate only with the consent of the people, and that government should exist to promote the general welfare and to secure the blessings of liberty for all. Our other national interests—security and economic opportunity—have the best chance for advancement in a climate of freedom and respect for individual rights, and are undermined where that climate does not thrive.

I have never shied away from the use of every economic, diplomatic, or rhetorical tool to advance our human rights agenda. It is through the vigorous use of these tools that the United States can exercise the type of leadership such fundamental violations of justice demand. To a certain extent, this is the approach implicit in the bill we are considering today, which provides a menu of presidential actions to respond to violations of religious freedom.

But, with deference to my colleague from Oklahoma and the work he has done on this bill and although I support the bill, I have some outstanding concerns regarding this legislation. I believe that if we had been able to fully consider this bill in the Committee on Foreign Relations, we would have been able to work out some of these issues.

I strongly support the basic premise of the bill, that the United States should defend religious liberty, but I am concerned that it might appear to subordinate other fundamental rights to the right to religious freedom. As we defend the freedom of religion, should we not just as vigorously defend the rule of law, basic human rights and the exercise of political rights? We would be pleased if, tomorrow, Sudan's ruling National Islamic Front suddenly lifted its Shar'ia law and allowed Christians to worship freely. But would we then tolerate the forced conscription of children, the lack of press freedom and the manipulation of humanitarian assistance that also takes place in the Sudan?

I also have some concerns about a few specific provisions.

First, this bill creates a new commission, the "Commission on International Religious Freedom." Although I am open to arguments on this subject, I am not convinced a new commission is needed. We already have in operation the Advisory Committee on Religious Freedom. This body, which is broadly representative of various religious communities, has been in operation since early 1997 and has already produced several useful reports about the state of religious freedom around the world. Its work has helped focus administration attention on the issue of religious persecution and the conditions of religious minorities.

Second, Section 205 of the bill authorizes $6 million over two years to carry out the work of this new Commission. The protection of religious freedom is vital work that must be done, but I believe this is an enormous amount of money to be devoting to a commission of any sort, and I have seen no explanation of why $6 million is required. The Advisory Committee was able to conduct its work with existing resources from the Department of State. I understand that the Committee's work greatly strained the resources of the Department's Bureau for Democracy, Human Rights and Labor, but I also understand that, even if staff salaries are included, the Committee could have been run with a budget of less than $500,000. Also, the new Commission proposed by the legislation would be comprised of nine commissioners, rather than the 20 on the existing Advisory Committee, so it might be expected to require less resources.

In addition, I am concerned that because of the narrow language of Section 205, the authorized funds might be used only for the specific activities of the Commission, and not for the many additional requirements of the bill which would then have to borne by the already stretched resources of the Bureau of Democracy, Human Rights and Labor.

Mr. President, I hope there will be further clarification of the intended uses of these funds, and—if the Congress does appropriate such high levels of funding—I hope it will be used to further the goals of the whole bill, and not simply Title II.

Third, another provision that raises some concerns is Section 107, which provides equal access to the premises of diplomatic missions to any U.S. citizen seeking to conduct religious activities. It is in the best American tradition to provide a haven for Americans of faith who find themselves in a country that is not hospitable to their religion, but I wonder if some might argue that this provision would expand what the Supreme Court has determined constitutes a "public forum" with respect to equal access for religion. In practice, it is possible that it might then be deemed by some court to be an unconstitutional endorsement of a particular religion. That is not what we intend, so I hope the provision allows for discretion on the part of the chiefs of mission to appropriately respond to requests from the American community.

My fourth concern relates to the provisions in Section 108—not what is in those provisions, but rather, what has been left out. Section 108 requires the Secretary of State to prepare and maintain issue briefs on religious freedom on a country-by-country basis. These will be similar to the annual country reports on human rights, which have proven to be an excellent source of information on conditions in individual countries. However, the briefs are also required to include lists of "persons believed to be imprisoned, detained, or placed under house arrest for their religious faith." In cases where the production and publicizing of prisoner lists is useful, perhaps we should devote similar attention to individuals detained in the pursuit of other internationally recognized human rights. The Secretary should consider exercising her authority to broaden the list to include all prisoners of conscience, as appropriate. In addition, there may be cases where the production or publication of such a list might actually be harmful to the individuals in question, or indeed to our intelligence resources. I believe on this point the administration is given considerable discretion.

Fifth, in an earlier draft of this legislation, included in the description of what might constitute a violation of religious freedom was "arbitrary prohibitions or restrictions on the grounds of religion on holding public office, or pursuing educational or professional opportunities." For unknown reasons, this language unfortunately was deleted from all subsequent drafts of this bill, including the current version. However, the bill's definitional language is merely suggestive, indicating areas the administration can take into consideration when making a determination about a given country. I will assume that the administration will also consider restrictive prohibitions on education and employment, among other factors, when making such determinations. Any kind of religious discrimination is unacceptable.

Finally, Section 103 provides for the establishment of a religious freedom Internet web site which would contain major international documents relating to religious freedom, among other items. This is a fantastic way to disseminate information about this issue to individuals around the world who can use it to help promote their causes in their own countries. Already we have seen the importance of the Internet in promoting civil society. The Internet is the modern version of the underground literature of the Cold War, only it does not require printing presses which can be taken away, and

it is more readily available to its audience. I hope, however, that the Secretary of State will take the opportunity to also include in the web site other important documents related more generally to human rights. In that way, we can be sure to pursue the protection of all human rights through the most modern technology possible.

Also, Mr. President, just to make the record clear, I do not support the provisions of Section 406 which allow an exception to the sanctions in this bill for defense contractors.

Again, I commend the sponsors of this legislation and everyone who has worked so hard to produce a consensus package.

Mr. D'AMATO. Mr. President, as a co-sponsor of the International Religious Freedom Act, I rise today to commend my colleagues for their efforts to bring this bill to the Senate. This legislation takes concrete steps to insure continued U.S. leadership and diplomatic focus on issues of religious liberty around the world. Few things are more precious to the American people than freedom of religion, and I strongly support our efforts to bring this freedom to those who are persecuted for their faiths around the world.

The vast majority of those who suffer abridgement of their right to religious liberty do not suffer torture, rape, or murder. Instead, they face harassment, discrimination, and onerous bureaucratic obstacles to registering their religious organizations. The Act covers all violations of religious liberty, not just the most egregious acts of persecution and I commend the drafters of this legislation for its broad coverage.

As Chairman of the Commission on Security and Cooperation in Europe, I am very concerned over rising religious intolerance and even oppression in the OSCE region. As Eastern European countries begin to loosen their grip on their economies, they must also learn to relinquish government control over legitimate private action by their citizenry that is protected by international commitments. I have written repeatedly strong letters to heads of state or government in support of religious liberty and to hold them to their international human rights commitments.

The Commission has had two hearings and several public briefings on this issue in the OSCE region. We have heard testimony that, contrary to our expectations when the Communist governments of the former Warsaw Pact states fell, a variety of official measures have been taken restricting, or in some cases denying, freedom of thought, conscience, religion or belief. One of the core values of the United States is freedom of religion. The various documents of the Helsinki Process and the Universal Declaration on Human Rights have adopted this fundamental freedom and established it as an international norm all nations are expected to meet. I strongly believe that adoption of this legislation will help the United States advocate religious liberty around the world, and address some of the specific problems our hearings and briefings have documented.

This year in Uzbekistan, for instance, a new law was passed which, among other restrictions, requires 100 Uzbek citizens to sign a religious community's application for registration, criminalizes any unregistered religious activity, and penalizes religious free speech. In 1997, similarly restrictive laws were passed in Russia and Macedonia and a number of OSCE participating states are reportedly considering legislation imposing significant restrictions on religious liberty, particularly for minority religious groups.

In Western Europe, the trends toward increased religious intolerance has been more insidious. In the last few years, governments in Western Europe, particularly France, Germany, Belgium, and Austria, have targeted numerous groups that they label "dangerous" and have published official government propaganda against them, placed them under surveillance by security agencies, and revoked tax exempt status based on the determination that groups are not a positive influence on society. Furthermore, these Western European actions embolden the more intolerant sectors of Eastern European society to further restrict religious liberty for minority or ill-favored groups.

By requiring the President to take action against all countries engaged in violations of religious liberty, the Act insures that less egregious cases of religious liberty violations will not be ignored. By enumerating the specific policy responses required ranging from a private demarche to sanctions, the Act reflects the need for flexibility in diplomacy. Finally, by instituting a separate commission, the Act facilitates accurate and independent reporting on religious liberty violations around the world.

Mr. President, I am proud to be a cosponsor of this important legislation and I urge my colleagues to support the International Religious Freedom Act.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for 2 minutes on this legislation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I support the International Religious Freedom Act presented by the Assistant Majority Leader, the Senator from Oklahoma and the Senator from Connecticut.

We have discussed this legislation at some length over the last couple of weeks, and my colleagues have been very gracious in trying to accommodate some of my concerns with the bill.

Although it is not a perfect bill, it is a compromise that I support.

The persecution of individuals for their faith, like persecution for political beliefs or ethnicity, is abhorrent to all Americans. Unfortunately, too many nations around the world fail to protect the basic human rights of their citizens. The reasons for this are often complex and varied—but they are never justified.

What justification can there be, for example, for the jailing by the Chinese government of thousands of dissidents—not to mention a few Catholic leaders who choose to remain loyal to the Vatican, rather than bow to the dictates of the so-called "official" church in Beijing?

What justification can there be for a law in Russia which appears to discriminate between "established" religious organizations and those whose roots in Russia are not long-standing?

As a nation founded on the premise that "all men are created equal * * * endowed by their Creator with certain unalienable rights", Americans have long been committed to promoting and protecting human rights. Existing law, in place since the 1970s, prohibits U.S. assistance to nations which engage in a "consistent pattern of gross violations" of human rights—including the right to religious freedom. Since the 1970s, we have also had an Assistant Secretary of State specifically devoted to the task of advancing human rights.

In recent years, the Clinton Administration has taken important steps to promote religious freedom. In 1996, Secretary of State Christopher established an Advisory Committee on Religious Persecution Abroad, a 20-member panel which is broadly representative of many religious faiths, and has provided practical guidance to the Secretary and the State Department about this important subject.

More recently, Secretary of State Albright has appointed a Senior Adviser to take the lead on religious freedom in the State Department.

This legislation is designed to further elevate religious freedom on our foreign policy agenda. It does so by creating a new Office on International Religious Freedom at the Department of State, to be headed by an Ambassador-at-Large.

Under this legislation, the State Department will produce a new annual report on religious freedom, which will assess the state of religious freedom around the world. This report, which will expand on the information available in the annual human rights report

already produced by the State Department, should prove an invaluable resource to Americans concerned about religious freedom.

Additionally, a new Commission will be established, for a period of four years, which will serve in an advisory capacity, producing a report of its own on an annual basis which will include recommendations for U.S. policy.

The bill also contains new provisions of law requiring that the President impose sanctions against the most severe violators of the right to religious freedom.

I must confess to some skepticism that new sanctions legislation is necessary, for two reasons. First, as I stated, current law already prohibits U.S. assistance to countries which engage in serious human rights violations.

Second, in recent months I have reconsidered my own view on sanctions policy—and have come to the conclusion that, even though Congress is well within its constitutional power to apply sanctions, it is not always wise, as a matter of sound foreign policy, for Congress to do so.

But I am willing to go along with this sanctions law because it includes many aspects that I believe must be present in any sanctions law that Congress enacts. Indeed, the sanctions provision in this bill offers considerable flexibility to the President.

First, the bill provides the President with a "menu" of options—seven different types of sanctions from which the President must choose just one sanction. If the President doesn't like the choices on the menu, he is free to take "commensurate action"—that is, action commensurate to the items on the menu of options.

Second, the bill provides a broad waiver authority.

The President may waive the application of the sanction if the foreign government has ceased the violations; if using the waiver would "further the purposes" of the Act; or if important national interests of the United States justified the exercise of the waiver.

Third, the bill provides that any sanctions sunset two years after they are imposed unless they are specifically reauthorized.

The President may also terminate the sanctions if the foreign government has "ceased or taken substantial and verifiable steps to cease" the violations that gave rise to the sanctions.

Fourth, there is an exemption from the sanctions for the provision of food, medicine, medical equipment or supplies, as well as other humanitarian assistance.

In sum, although I am not eager to enact a new sanctions law, I believe we are setting an important precedent with this bill in terms of what should be contained in any sanctions law.

We must make every effort to ensure that the steps we take under this law will help those who are suffering from persecution—and not increase the dangers they face. During the hearings in the Foreign Relations Committee on this legislation, several witnesses representing religious communities that operate overseas expressed this concern.

I know the sponsors of this bill share this concern—and so I hope that both Congress and the Executive Branch will be attentive to it in the coming years.

This bill takes several steps which I hope will lead to the advancement of religious freedom—one of the fundamental human rights—around the world.

We must be certain that in implementing this law, it is not to the detriment of other fundamental human rights that are recognized internationally.

As the columnist Stephen Rosenfeld has written, religious freedom deserves a seat at the human rights table, but it should not overturn the table.

Mr. President, I see my friend from Pennsylvania on the floor, Senator SPECTER. I compliment him—he is the one who got me into this, quite frankly—and my colleagues from Oklahoma and from Connecticut. I can claim no credit for starting this initiative. I can only claim that I have attempted to play a role here to make sure that the desire we all have to extend religious freedom around the world becomes a reality. I have tried to make sure that our sanctions meet a realistic test of promoting an actual change in the behavior of other nations. It was toward that end that I worked on a small part of this bill. I attempted to rationalize the sanctions legislation on this issue with what we are attempting to do on all the other sanctions legislation we have around here.

The thing we have all learned is, unilateral sanctions on any subject seldom ever work. Sometimes, and promoting religious freedom is one of those times, we may have to act even if it is not efficacious, just to state our principled commitment to religious freedom. I recommend my colleagues take a look at this legislation though because I think we have produced a sound sanctions bill.

For that, I have to thank the authors, Senator SPECTER and Senator NICKLES and Senator LIEBERMAN, for accommodating some of the changes I suggested in the functional way in which these sanctions would be employed.

I thank them for their consideration. They were very gracious to me and very patient with me. And I am very satisfied with the way the bill has turned out—not only the principle but the efficacy of the legislation.

I thank my colleague for the extra time, and I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Delaware for his statement but also for his leadership. I have already complimented Senator LIEBERMAN for his leadership and his partnership in making this happen. But also I mentioned last night Senator SPECTER worked tirelessly on this; Senator COATS did as well. Senator FEINSTEIN came in and negotiated with us and I think made some important changes.

I also just quickly would like to thank a couple of staff people. Cecile Shea of Senator LIEBERMAN's staff worked tirelessly on this legislation; John Hanford of Senator LUGAR's staff and Steve Moffitt of my staff have put in maybe more hours on this piece of legislation than most any I have seen. Others who helped were Laura Bryant and Willie Imboden.

Also, I thank Senator HELMS for his support and leadership, as well as Congressman WOLF for leading the effort in the House of Representatives. They have assured us that they will pass this legislation as soon as they receive it.

So I thank my colleagues and I yield the floor. And I yield the remainder of my time.

The PRESIDING OFFICER. The question is on final passage.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—98

Abraham	Cleland	Ford
Akaka	Coats	Frist
Allard	Cochran	Gorton
Ashcroft	Collins	Graham
Baucus	Conrad	Gramm
Bennett	Coverdell	Grams
Biden	Craig	Grassley
Bingaman	D'Amato	Gregg
Bond	Daschle	Hagel
Boxer	DeWine	Harkin
Breaux	Dodd	Hatch
Brownback	Domenici	Helms
Bryan	Dorgan	Hutchinson
Bumpers	Durbin	Hutchison
Burns	Enzi	Inhofe
Byrd	Faircloth	Inouye
Campbell	Feingold	Jeffords
Chafee	Feinstein	Johnson

Kempthorne	McConnell	Sessions
Kennedy	Mikulski	Shelby
Kerrey	Moseley-Braun	Smith (NH)
Kerry	Moynihan	Smith (OR)
Kohl	Murkowski	Snowe
Kyl	Murray	Specter
Landrieu	Nickles	Stevens
Lautenberg	Reed	Thomas
Leahy	Reid	Thompson
Levin	Robb	Thurmond
Lieberman	Roberts	Torricelli
Lott	Rockefeller	Warner
Lugar	Roth	Wellstone
Mack	Santorum	Wyden
McCain	Sarbanes	

NOT VOTING—2

Glenn	Hollings

The bill (H.R. 2431), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

The title was amended so as to read:

An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

PATIENT PROTECTION ACT OF 1998—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 505, H.R. 4250, the House-passed health care reform bill.

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

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

Mr. LOTT. Mr. President, I move to table the pending motion to proceed and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—50

Abraham	Gorton	McCain
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Roberts
Brownback	Gregg	Roth
Burns	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Frist	Mack	

NAYS—47

Akaka	Durbin	Levin
Baucus	Faircloth	Lieberman
Biden	Feingold	Mikulski
Bingaman	Feinstein	Moseley-Braun
Bond	Ford	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	

NOT VOTING—3

Glenn	Hollings	McConnell

The motion to lay on the table the motion to proceed was agreed to.

Mr. REID. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UTAH SCHOOLS AND LAND EXCHANGE ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 574, H.R. 3830.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3830) to provide for the exchange of certain lands within the State of Utah.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I yield to Senator HATCH for 2 minutes, and then to Senator BENNETT for 2 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to express my support for this legislation to exchange school trust lands located in Utah to the federal government. This timely piece of legislation has the full support of the Utah delegation, the Governor of Utah, and the Clinton administration, as well as the PTA and local educators from across our state. It is, in some small measure, the result of the unfortunate situation created several years ago when President Clinton created the Grand Staircase Escalante Monument that withdrew hundreds of thousands of additional Utah school trust lands from benefitting Utah s school children. This bill represents the largest land exchange in the history of Utah.

I commend the President for being willing to do this, the Secretary of the Interior for being willing to do this, and others on the floor, including my colleague, Senator BENNETT, the chairman of the Energy Committee, Senator MURKOWSKI, and the distinguished Senator from Arkansas, Senator BUMPERS. Without their leadership and support, this legislation would not have been possible. I want to express that appreciation. This is a momentous day for the State of Utah that will leave a lasting legacy for our school children.

This bill passed the House of Representatives in July and was approved by the Senate Committee on Energy and Natural Resources last month. I am pleased the full Senate will consider it today and send it to the President.

I and all the citizens of Utah have looked forward anxiously to this day, which has been a long time coming.

When Utah became a state in 1896, Congress designated a portion of each township in the state to be set aside as School Trust Land which would be used to generate revenue for Utah's schools. The patchwork layout of these school trust lands across the state has historically created management difficulties between federal and state governments. As new national parks, forests, and monuments are designated, the school lands are often enveloped within them. This has the effect of closing off development of these lands and, therefore, any revenue they might produce for the school land trust fund.

As of 1995, over 200,000 acres of school trust land, called inholdings, were isolated this way. As I mentioned, President Clinton doubled this amount with his designation of the Grand Staircase-Escalante Monument in 1996.

At the time of the creation of the Grand Staircase-Escalante Monument, President Clinton gave numerous assurances that Utah's school children would not be hurt by this designation. H.R. 3830 represents the partial fulfillment of these promises.

The Utah Schools and Lands Exchange Act is the culmination of long and careful deliberations between Governor Leavitt and Secretary of the Interior Bruce Babbitt. As a result of this thorough and delicate planning, the act enjoys broad support from environmentalists, private landowners, educators, legislators, and the Administration.

The bill exchanges approximately 350,000 acres of school trust lands located in Utah monuments, recreation areas, national parks, and forests to the Federal Government. To provide equitable compensation for these lands, Utah will receive cash, lands, mineral rights, coal deposits, and other Federal properties. I assure my colleagues that this is a fair and equitable exchange of assets.

The land received by the Federal Government, totaling 376,739 acres of land and 65,853 acres of mineral rights, includes school trust areas that are similar in nature to the surrounding blocks of federal lands. By transferring these areas to the federal government, the land will fall under federal protection and management.

Consolidation of these lands will be beneficial because land ownership will be harmonized, precious natural resources will be preserved and protected, and the American public will gain access to previously isolated areas.

A number of priceless natural landmarks will come under the protection of the federal government as a result of this bill. These include: Eye of the Whale Arch, located in Arches National Park; ancient Native American ruins and the Jacob Hamblin Arch of Glen Canyon National Recreation Area; several hundred-foot red rock cliffs located within the Grand Staircase Escalante Monument; and the high mountain alpine area in the Wasatch-Cache National Forest known as Franklin Basin. Other natural wonders safeguarded through the exchange include: ancient Native American rock art panels in Dinosaur National Monument and unique geologic formations of the Waterpocket Fold within Capitol Reef National Park.

Mr. President, H.R. 3830 addresses many land management problems which have plagued Utah for decades. Specifically, this measure helps solve a problem suffered by all states, such as Utah, having large tracts of federally owned or controlled land —that is, the starvation and lack of funding for our school systems which traditionally depend on property taxes for funding.

The trust land system, developed by Congress in the 19th century during the period of westward expansion, was an attempt to offset the losses from the Federal Government's desire to protect certain lands. We are pleased that, after 2 years, the Clinton administration has delivered on this commitment.

I especially want to commend Utah Governor Mike Leavitt for undertaking the task of painstaking identification of lands for exchange and for conducting these negotiations with the Interior Department. His determination and dedication to initiating this process cannot be understated.

I also want to recognize the efforts of Utah's educators, parents, and school board members, who kept this issue on the front burner. Their dedication to resolving this serious funding helped drive these negotiations and ensure that nothing got bogged down. In short, land is land; but we needed to keep our eye on the ball, and that is our children.

Again, I want to thank my friend and colleague, Senator BENNETT, for his efforts on this bill. I know he shares my feeling of joy that this bill is finally coming to fruition. It means a great deal to improving education in our State, and I appreciate my colleagues' support.

I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Utah.

Mr. BENNETT. Mr. President, thank you.

This is a delightful day. As I think about the issue of swapping land, school trust lands in Utah for other Federal lands, I realize that this is an issue that my father worked on in this Chamber over 40 years ago. Governor Matheson, to keep it bipartisan, the Democratic Governor of Utah, tried an initiative on this same issue while he was the Governor some 20 years ago. To see it finally come to fruition now brings me a great sense of satisfaction.

I thank my senior colleague for his support and leadership on this issue, I thank the members of the Energy Committee for their work, and I particularly thank my friend from Arkansas, the senior Senator, Mr. BUMPERS, for his support as we have gone through this. He and I became acquainted when I first came to the Senate and went on that committee. We worked on a number of issues together, and I am delighted that this is one that comes together in a bipartisan fashion.

So this is a time of rejoicing, nostalgia, and great pleasure on my part.

Mr. BUMPERS addressed the Chair.

Mr. LOTT. Mr. President, I believe I still have the time. If the Senator from Arkansas would like a couple of minutes, I would be glad to yield to him for a comment.

Mr. BUMPERS. Mr. President, there are few Senators in the U.S. Senate for whom I have ever held a higher esteem than my good friend BOB BENNETT. Therefore, several months ago, when I put a hold on this Utah land exchange, which was divinely desired by the Governor and the Interior Department, which is a rare instance—would that all land exchanges had this kind of support—I went to Senator BENNETT and I told him privately—and he will agree to this—I told him privately, "BOB, if push comes to shove"—I am not going to go into the details of why I put a hold on it. We all do these things around here occasionally. I never liked it, but sometimes we have to do things to protect ourselves.

I told Senator BENNETT privately, "At the right time, I will take my hold off this bill." I said, "I want you to know I would never allow something this popular and well received to go down and"——

The PRESIDING OFFICER. Will the Senator suspend?

The Chamber will come to order. The Senate will come to order.

The Senator from Arkansas.

Mr. BUMPERS. I must say, his determination—his fierce determination—to get this bill passed was reflected in the fact that he asked me every day for 6 months when I was going to take my hold off. This morning, I was very happy to tell him that my reason for putting the hold on in the first place had been resolved. One of the happiest days of my life was the day I could take that hold off to accommodate the Senator and Senator HATCH. I know he has been actively involved in this also.

I just wanted to say that, Mr. President. I thank the leader very much for yielding the time.

Mr. LOTT. Has the clerk reported the title?

The PRESIDING OFFICER. The clerk has reported.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that the motion to reconsider be laid upon the table without intervening action.

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

The bill (H.R. 3830) was considered read the third time and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bills, en bloc: Calendar No. 368, H.R. 1021; Calendar No. 447, S. 1752; Calendar No. 526, S. 2087; Calendar No. 639, S. 2500; Calendar No. 701, S. 2402; Calendar No. 702, S. 2413; and Calendar No. 703, S. 2458.

I ask unanimous consent that any committee amendments be agreed to; that the bills, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; that any title amendments be agreed to; and that any statements relating to the bills appear at the appropriate place in the RECORD, with the above occurring en bloc. I should note that this

has been cleared with the Democratic side.

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

MILES LAND EXCHANGE ACT OF 1998

The bill (H.R. 1021) to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado, was considered, ordered to a third reading, read the third time, and passed.

CONVEYING CERTAIN ADMINISTRATIVE SITES FOR THE NATIONAL FORESTS IN THE STATE OF ARIZONA

The Senate proceeded to consider the bill (S. 1752) to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconini National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DEFINITIONS.

In this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—Subject to subsection (c), the Secretary, under such terms and conditions as the Secretary may prescribe, may sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) EXCHANGE ACQUISITIONS.—The Secretary may acquire land and existing or future administrative improvements in exchange for a conveyance of an administrative site under subsection (a).

(c) APPLICABLE AUTHORITIES.—A sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may—

(1) use solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act") and shall be available for expenditure, until expended, for—

(1) the acquisition of land and interests in land for administrative sites; and

(2) the acquisition, construction, or improvement of offices and new or other administrative buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest.

SEC. 4. REVOCATIONS.

(a) PUBLIC LAND ORDERS.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative sites, public land orders withdrawing the administrative sites from all forms of appropriation under the public land laws are revoked for any portion of the administrative sites conveyed by the Secretary.

(b) EFFECTIVE DATE.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site.

The committee amendment was agreed to.

The bill (S. 1752), as amended, was considered read the third time and passed.

WELLTON-MOHAWK TRANSFER ACT

The Senate proceeded to consider the bill (S. 2087) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE

This Act may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 2. TRANSFER

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5. REPORT

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The committee amendment was agreed to.

The bill (S. 2087), as amended, was considered read the third time and passed.

PROTECTING THE SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

The Senate proceeded to consider the bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 2500

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

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled "An Act for the protection of surface rights of entrymen", approved March 3, 1909 (30 U.S.C. 81), or the Act entitled "An Act to provide for agricultural entries on coal lands", approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in §3 of Public Law 98-290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease *on or* after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The committee amendment was agreed to.

The bill (S. 2500), as amended, was considered read the third time and passed.

CONVEYING CERTAIN LANDS TO SAN JUAN COLLEGE

The Senate proceeded to consider the bill (S. 2402) to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretaries of Agriculture and Interior (herein "the Secretaries") shall convey to San Juan College, in Farmington, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately ten acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of Sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

Mr. DOMENICI. Mr. President, I am very pleased at the Senate's passage of S. 2402, the Old Jicarilla Administrative Site Conveyance Act of 1998. This legislation allows for transfer by the Secretaries of Agriculture and Interior real property and improvements at an abandoned and surplus administrative site of the Carson National Forest to San Juan College. The site is known as the old Jicarilla Ranger District Station, near the village of Gobernador, New Mexico. The Jicarilla Station will continue to be used for public purposes, including educational and recreational purposes of the college.

The Forest Service determined that these ten acres are of no further use to them, since the Jicarilla District Ranger moved into a new administrative facility in the town of Bloomfield, New Mexico. The facility has had no occupants for several years, and the Forest Service recently testified that the improvements on the site are surplus, and endorsed passage of this bill to provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.

Clearly, this legislation deserves prompt approval in the House and signature by the President because it is noncontroversial and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college so it can protect the area from further deterioration and fire.

Over one third of the land in New Mexico is owned by the federal government, and therefore finding appropriate sites for community and educational purposes can be difficult. S. 2402 is a win-win bill in providing facilities and lands to San Juan College and removing unwanted and unused land and facilities from federal ownership. I urge prompt passage in the House of Representatives.

The committee amendment was agreed to.

The bill (S. 2402), as amended, was considered read the third time and passed.

The title was amended so as to read: "A bill to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.".

APACHE-SITGREAVES NATIONAL FOREST

The Senate proceeded to consider the bill (S. 2413) to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2413

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

[SECTION 1. MANAGEMENT OF WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA, FOR RECREATIONAL PURPOSES.

[(a) MANAGEMENT PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture, acting through the supervisor of Apache-Sitgreaves National Forest in the State of Arizona, shall prepare a management plan for the Woodland Lake Park tract that is designed to ensure that the tract is managed by the Forest Service for recreational purposes consistent with the use of the tract as a public park by the town of Pinetop-Lakeside, Arizona. The forest supervisor shall prepare the management plan in consultation with the town of Pinetop-Lakeside.

[(b) PROHIBITION ON CONVEYANCE.—The Secretary**]**

I90[S09OC8-99]{S12103}SECTION 1.

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a)PROHIBITION

Secretary

of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

[(c) DEFINITION.—The terms**]** *(b) DEFINITION.—In this section, the terms* "Woodland Lake Park tract" and "tract" mean the parcel of land in Apache-Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

The committee amendment was agreed to.

The bill (S. 2413), as amended, was considered read the third time and passed, as follows:

S. 2413

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

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a) PROHIBITION OF CONVEYANCE.—The Secretary of Agriculture may not convey any

right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the terms "Woodland Lake Park tract" and "tract" mean the parcel of land in Apache-Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

The title was amended so as to read: "A bill prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress.".

MORRISTOWN NATIONAL HISTORICAL PARK

The bill (S. 2458) to amend the Act entitled "An Act to provide for the creation of the Morristown National historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2458

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

SECTION 1. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes", approved March 2, 1933 (16 U.S.C. 409 et seq.), is amended by adding at the end the following:

"SEC. 8. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

"(a) IN GENERAL.—In addition to any other land or interest authorized to be acquired for inclusion in the Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, or other means not to exceed 15 acres of land and interests in land comprising the property known as the 'Warren Property' or 'Mount Kemble'.

"(b) AUTHORIZED EXPENDITURE.—The Secretary may expend such sums as are necessary for the acquisition.

"(c) ADMINISTRATION.—Any land or interest acquired under this section shall be included in and administered as part of the Morristown National Historical Park.".

Mr. TORRICELLI. I thank the majority leader and minority leader for bringing this legislation forward. Although time has been short, to some of us this is very important. Mr. President, this is a simple effort to conserve 15 acres of land in Morristown, NJ. It is for most Americans a sacred piece of real estate. It is where George Washington spent the winter of 1779. There are few more hallowed grounds in American history.

While previous Congresses have saved much of this real estate, this particular acreage is under threat of development. This is a simple authorization. The U.S. Government can either enter into a contract to purchase or receive it as a gift, this final threatened acreage. I am very grateful for this support and bringing this forward today.

Finally, Mr. President, I want to mention, while Senator GORTON is on the floor, that in separate legislation in the Interior bill he has authorized a study of all remaining threatened lands from the Revolutionary War, that we no longer have to do this on a piecemeal basis.

I thank again the majority leader, Mr. President.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following bills: Calendar No. 622, S. 2133; Calendar No. 637, S. 2401; Calendar No. 704, S. 2513. I further ask unanimous consent that amendment No. 3800 to S. 2133, amendment No. 3801 to S. 2401, and amendment No. 3802 to S. 2513 be considered as agreed to, en bloc, to the respective bills. I finally ask unanimous consent that any committee amendments be considered agreed to, the bills, as amended be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating to these measures appear at the appropriate place in the RECORD.

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

ROUTE 66 NATIONAL HISTORIC HIGHWAY

The Senate proceeded to consider the bill (S. 2133) to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66.—The term "Route 66" means—

(A) portions of the highway formerly designated as United States Route 66 that remain in existence as of the date of enactment of this Act; and

(B) public and private land in the vicinity of the highway.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of cultural resources related to Route 66, either directly or indirectly.

(3) PRESERVATION OF ROUTE 66.—The term "preservation of Route 66" means the preservation or restoration of portions of the highway, businesses and sites of interest and other contributing resources along the highway commemorating Route 66 during its period of outstanding historic significance (principally between 1933 and 1970), as defined by the July 1995 National Park Service "Special Resource Study of Route 66".

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of Route 66 is located.

SEC. 2. DESIGNATION.

Route 66 is designated as "Route 66 National Historic Highway".

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian Tribes, State Historic Preservation Offices, and entities in the States to preserve Route 66 by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian Tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of Route 66; and

(3) assist the States in determining the appropriate form of establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) collaborate with the Secretary of Transportation to—

(A) address transportation factors that may conflict with preservation efforts in such a way as to ensure ongoing preservation, interpretation and management of Route 66 National Historic Highway; and

(B) take advantage, to the maximum extent possible, of existing programs, such as the Scenic Byways program under section 162 of title 23, United States Code.

(2) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(3) accept donations;

(4) provide cost-share grants and information;

(5) provide technical assistance in historic preservation; and

(6) conduct research.

(e) ROAD SIGNS.—The Secretary may sponsor a road sign program on Route 66 to be implemented on a cost-sharing basis with State and local organizations.

(f) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of Route 66 in a manner that is compatible with the idiosyncratic nature of the highway.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for Route 66, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian Tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of Route 66.

SEC. 4. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of Route 66.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs of Route 66 so as to allow for the preservation of Route 66.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of Route 66.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of Route 66 available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

AMENDMENT NO. 3800

(Purpose: To improve the bill)

On page 6, strike lines 12 through 18 and insert the following:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

On page 6, lines 22 and 23, strike "cultural resources related to Route 66" and insert "preservation of the Route 66 corridor".

On page 7, strike lines 1 through 9 and insert the following:

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

On page 7, line 15, strike "Route 66" and insert "the Route 66 corridor".

On page 7, strike lines 16 through 18.

On page 7, line 19, strike "**SEC. 3.**" and insert "**SEC. 2.**".

On page 7, lines 23 and 24, strike "preservation of Route 66" and insert "preservation of the Route 66 corridor".

On page 8, line 9, strike "to preserve Route 66" and insert "for the preservation of the Route 66 corridor".

On page 8, line 15, strike "historic" and insert "Historic".

On page 8, line 16, strike "preservation of Route 66;" and insert "preservation of the Route 66 corridor;".

On page 9, strike lines 1 through 11.

On page 9, line 12, strike "(2)" and insert "(1)".

On page 9, line 15, strike "(3)" and insert "(2)".

On page 9, line 16, strike "(4)" and insert "(3)".

On page 9, line 17, strike "(5)" and insert "(4)".

On page 9, line 19, strike "(6)" and insert "(5)".

On page 9, strike lines 20 through 22.

On page 9, line 23, strike "(f)" and insert "(e)".

On page 9, line 25, strike "preservation of Route 66" and insert "preservation of the Route 66 corridor".

On page 10, line 2, strike "highway" and insert "Route 66 corridor".

On page 10, line 5, strike "Route 66" and insert "the Route 66 corridor".

On page 10, line 11, strike "Route 66" and insert "the Route 66 corridor".

On page 10, line 12, strike "**SEC. 4.**" and insert "**SEC. 3.**".

On page 10, line 16, strike "Route 66" and insert "the Route 66 corridor".

On page 11, strike lines 1 and 2 and insert the following:

needs for preservation of the Route 66 corridor.

On page 11, line 7, strike "histories of Route 66" and insert "histories of events that occurred along the Route 66 corridor".

On page 11, line 14, strike "Route 66" and insert "the Route 66 corridor".

On page 11, line 18, strike "**SEC. 5.**" and insert "**SEC. 4.**".

Amend the title so as to read: "A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.".

Mr. DOMENICI. Mr. President, today the United States Senate has taken a historic step in preserving one of America's treasures—Route 66. S. 2133, the Route 66 Corridor Preservation Act of 1998, will preserve the unique cultural resources along the famous Route 66 corridor and authorize the Interior Secretary to provide assistance through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, introduced a companion bill (HR. 4513) in the House of Representatives. I am hoping that body will promptly act on this bill with the changes proposed by the distinguished Environment and Public Works Committee Chairman CHAFEE.

I introduced the "Route 66 Study Act of 1990," which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I introduced S. 2133 this June authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of the historic Route 66 corridor, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration testified in favor of this legislation, with some modifications. We've made some good changes to the bill, and Senator CHAFEE's amendment furthers progress for success of this Park Service program. This legislation authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, California. It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants, and Gallup. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. S. 2133 will facilitate greater coordination in federal, state and private efforts to preserve structures and other cultural resources of the historic Route 66 corridor, the 20th century route equivalent to the Santa Fe Trail.

This bill authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and make grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of the Route 66 corridor.

As we draw to the close of this century, there is more interest in trying to save Route 66. I sincerely hope that this legislation is quickly passed on the House floor. The time is now to provide tangible means of assistance to preserve this special highway.

The amendment (No. 3800) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2133), as amended, was considered read the third time and passed, as follows:

S. 2133

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

VALLEY FORCE NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 2401) to authorize the addition of the Paoli Battlefield in Malvern, Pennsylvania, to Valley Forge National Historic Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for the purpose, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the Paoli Battlefield Site and the Brandywine Battlefield Site in Pennsylvania.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify the full range of resources and historic themes associated with the battlefields and their relationship to the American Revolutionary War and the Valley Forge National Historical Park; and

(2) identify alternatives for National Park Service involvement at the sites and include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

AMENDMENT NO. 3801

(Purpose: To amend in the nature of a substitute, Calendar Number 637, S. 2401)

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION OF THE PAOLI BATTLEFIELD SITE TO THE VALLEY FORGE NATIONAL HISTORICAL PARK.

Section 2(a) of Public Law 94–337 (16 U.S.C. 410aa–1(a)) is amended in the first sentence by striking "which shall" and inserting "and the area known as the 'Paoli Battlefield', located in the borough of Malvern, Pennsylvania, described as the "Proposed Addition to Paoli Battlefield" on the map numbered 71572 and dated 2–17–98, (referred to in this Act as the 'Paoli Battlefield'), which map shall".

SEC. 2. COOPERATIVE MANAGEMENT OF PAOLI BATTLEFIELD.

Section 3 of Public Law (16 U.S.C. 410aa–2), is amended by adding at the end the following: "The Secretary may enter into a cooperative agreement with the borough of Malvern, Pennsylvania for the management by the borough of the Paoli Battlefield.".

SEC. 3. ACQUISITION OF LAND FOR PAOLI BATTLEFIELD.

Section 4(a) of Public Law 94–337 (16 U.S.C. 410aa–3) is amended by striking "not more than $13,895,000 for the acquisition of lands and interests in lands" and inserting "not more than—

"(1) $13,895,000 for the acquisition of land and interests in land; and

"(2) if non-Federal funds in the amount of not less than $1,000,000 are available for the acquisition and donation to the National Park Service of land and interests in land within the Paoli Battlefield, $2,500,000 for the acquisition of land interests in land within the Paoli Battlefield".

The amendment (No. 3801) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 2401), as amended, was considered read the third time and passed.

OREGON PUBLIC LAND TRANSFER AND PROTECTION ACT OF 1998

The Senate proceeded to consider the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

AMENDMENT NO. 3802

(Purpose: To direct the Secretary of the Interior to sell certain land at fair market value to Deschutes County, Oregon and make technical corrections)

On page 2, before line 3, insert the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

Sec. 301. Conveyance to Deschutes County, Oregon.

On page 2, strike lines 11 through 13 and insert the following:

depicted on the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half" and dated April 28, 1998, consisting of approximately

On page 3, strike lines 13 through 16 and insert the following:

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632

On page 4, strike lines 9 through 11 and insert the following:

Federal land depicted on the maps described in subsection (a)(1), consisting of

On page 5, strike lines 9 through 11 and insert the following:

maps described in subsection (a)(1), consisting of approximately 960 acres within

On page 6, strike lines 15 and 16 and insert the following:

on the map entitled "BLM/Rogue River NF Boundary Adjustment, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Boundary Adjustment, South Half" and dated April 28, 1998.

On page 10, after line 3, add the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary") may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the "County"), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

Mr. WYDEN. Mr. President, I am joined by my Oregon colleague, Senator SMITH, in offering an amendment to S. 2513. My amendment will provide the critical final step to enable Deschutes County, Oregon, in the completion of more than three years of intense work that they have done to find an effective way to protect their groundwater and wetlands from inappropriate residential development.

Deschutes County has completed several years collaborative work to resolve a number of extraordinarily difficult land use problems in that county. In particular, the County faces the prospect of development of more than 13,000 subdivided lots in the vicinity of the Deschutes River in the southern half of the county. More than half of these lots have not yet been developed, and the county now knows that if it does not prevent the further development of these lands, they are going to have major, intractable pollution of the groundwater and of the Deschutes River.

The Oregon Department of Environmental Quality tells us that at present rates of growth, this area faces serious ground water quality problems over the next decade. Further, these lands constitute the most important wildlife and wetlands habitat in the area.

After several years of working with federal and state agencies and local citizens, under the authority of Oregon's Regional Problem Solving initiative, the County has come up with a plan to use incentives to shift development from these sensitive lands, over on to Bureau of Land Management lands that are not nearly so sensitive. Under this plan, the County will sell parcels of this land to prospective residential developers. However, before a developer may acquire a tract, the developer must have purchased "development rights" to lands in environmentally sensitive areas. Once these rights are acquired, the land will be rezoned so as to prevent any future development in the undesirable area.

In fact, the BLM lands have already been logged. The BLM lands are easily served by a wastewater collection system and have other features that make the location far more appropriate for development. Local BLM officials have been deeply involved in this effort and tell us that if it fails, the damage to the natural environment of the area will be substantial, and far more expensive to deal with later.

I particularly want to thank Senator SMITH, Senator BUMPERS, and Chairman MURKOWSKI for working with me at this late date to work out this provision. I want to express my deep appreciation to Governor John Kitzhaber, whose Regional Problem Solving initiative paved the way for this effort. And finally, I want to thank the staff at the Bureau of Land Management here in Washington, in Portland, and at the Prineville District for approaching this matter from the distinct perspective of the greater benefit to the environment that this legislation will achieve.

I also note the very active participation of Deschutes County Commissioner Linda Swearingen, Assistant County Attorney Bruce White, and Community Development Director George Read. They have provided critical help to get this measure approved, and certainly it is their vision for the future of Deschutes County that has gotten us where we are today.

The amendment (No. 3802) was agreed to.

The bill (S. 2513), as amended, was considered read the third time and passed, as follows:

S. 2513

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 "Oregon Public Land Transfer and Protection 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—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public land in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

Sec. 201. Definitions.

Sec. 202. No net loss of O & C land, CBWR land, or public domain land.

Sec. 203. Relationship to Umpqua land exchange authority.
TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON
Sec. 301. Conveyance to Deschutes County, Oregon.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LAND IN OREGON.

(a) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The public domain land depicted on the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half" and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon, is added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Law") (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(b) TRANSFER FROM NATIONAL FOREST TO PUBLIC DOMAIN.—

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632 acres within the external boundaries of Rogue River National Forest, is transferred to unreserved public domain status, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of the Interior shall administer such land under the laws (including regulations) applicable to unreserved public domain land.

(c) RESTORATION OF STATUS OF CERTAIN NATIONAL FOREST LAND AS REVESTED RAILROAD GRANT LAND.—

(1) RESTORATION OF EARLIER STATUS.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest, is restored to the status of revested Oregon and California Railroad grant land, and the status of the land as part of Rogue River National Forest and the National Forest System is revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of Agriculture to the Secretary of the Interior.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of the Interior shall administer the land described in paragraph (1) under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws (including regulations) applicable to revested Oregon and California Railroad grant land under the administrative jurisdiction of the Secretary of the Interior.

(d) ADDITION OF CERTAIN REVESTED RAILROAD GRANT LAND TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The revested Oregon and California Railroad grant land depicted on the maps described in subsection (a)(1), consisting of approximately 960 acres within the external boundaries of Rogue River National Forest, is added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in paragraph (1) is transferred from the Secretary of the Interior to the Secretary of Agriculture.

(3) MANAGEMENT.—Subject to valid existing rights, the Secretary of Agriculture shall manage the land described in paragraph (1) as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (36 Stat. 961, chapter 186), and other laws (including regulations) applicable to the National Forest System.

(4) DISTRIBUTION OF RECEIPTS.—Notwithstanding the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the land described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(e) BOUNDARY ADJUSTMENT.—The boundaries of Rogue River National Forest are adjusted to encompass the land transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on the map entitled "BLM/Rogue River NF Boundary Adjustment, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Boundary Adjustment, South Half" and dated April 28, 1998.

(f) MAPS.—Not later than 60 days after the date of enactment of this Act, the maps described in this section shall be available for public inspection in the office of the Chief of the Forest Service.

(g) MISCELLANEOUS REQUIREMENTS.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) revise the public land records relating to the land transferred under this section to reflect the administrative, boundary, and other changes made by this section; and

(2) publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to the land.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND

SEC. 201. DEFINITIONS.

In this title:

(1) O & C LAND.—The term "O & C land" means the land (commonly known as "Oregon and California Railroad grant land") that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR LAND.—The term "CBWR land" means the land (commonly known as "Coos Bay Wagon Road grant land") that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) PUBLIC DOMAIN LAND.—

(A) IN GENERAL.—The term "public domain land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) EXCLUSIONS.—The term "public domain land" does not include O & C land or CBWR land.

(4) GEOGRAPHIC AREA.—The term "geographic area" means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 202. NO NET LOSS OF O & C LAND, CBWR LAND, OR PUBLIC DOMAIN LAND.

In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area, and the number of acres of O & C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of enactment of this Act.

SEC. 203. RELATIONSHIP TO UMPQUA LAND EXCHANGE AUTHORITY.

Notwithstanding any other provision of this title, this title shall not apply to an exchange of land authorized under section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary") may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the "County"), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

VITIATION OF PASSAGE OF S. 2131

Mr. LOTT. I ask unanimous consent that passage of S. 2131 be vitiated.

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

WATER RESOURCES DEVELOPMENT ACT OF 1998

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate now proceed to the consideration of S. 2131, and ask that the substitute amendment, which is at the desk, be agreed to, the bill be read a third time and passed, with the motion to reconsider laid upon the table.

I note that this legislation passed last evening, and this is a housekeeping matter to allow this matter to be received by the House quickly.

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

AMENDMENT NO. 3803

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

Mr. LAUTENBERG. Mr. President, I am pleased to join in support of the Water Resources Development Act of 1998, one of the most important public works measures before the Senate. This important measure was approved this summer by the Committee on Environment and Public Works, on which I serve.

This legislation includes authorizations for numerous water resources projects important to my state. Three shoreline protection projects which will protect property, wildlife habitat, and contribute to New Jersey's coastal economy are authorized to proceed to construction.

Mr. President, I am pleased that this Committee has addressed a serious policy disagreement with the Administration over funding for shore protection projects. For the past five years, the Administration has requested no funding for new shore protection studies and has underfunded the construction work of ongoing projects. This year, the Administration proposed modifying the cost-share for shore protection projects to require the states and localities to finance the majority—65 percent, of the costs of periodic renourishment. This activity is the most expensive portion of the project, since these projects generally receive 3-5 year renourishments over their 50-year period.

I disagreed with this approach because I believed that it was unfair to those communities that had planned for these projects and expected a true partnership with the federal government. During the consideration of this bill in Committee, I offered an amendment to allow us to phase in a more reasonable cost-sharing formula for shore protection projects. Those projects which have a feasibility study completed by the end of 1998 or which are authorized to proceed to construction in this bill, will continue to be covered by the 65/35 cost-share formula through the life of the projects, just as all flood control projects are cost-shared. Those projects authorized subsequently will continue to receive the 65/35 cost-share formula for the initial construction. However, states will be required to provide 50 percent—just five percent more of the costs—for periodic renourishment. While I was disappointed that we could not maintain the current cost share for all projects, I believe that the committee's proposal is fairer to the communities and states that have planned for these projects. We have authorized many shore protection projects that have only moved forward because of the efforts of Congress. I sincerely hope that our action today moves the Administration forward to begin planning and budgeting for these projects.

The bill also provides necessary authorization adjustments for projects critical to the movement of cargo through the Port of New York and New Jersey as proposed by Senator MOYNIHAN and I. The port annually handles 1.4 million containers and 30 billion gallons of petroleum products and is the gateway to a thriving economy for New Jersey, New York, and the entire country. By the year 2010, experts predict that 90 percent of all liner freight will be shipped in containers. The bill's amendments are important to addressing the increasing cost of dredged material disposal in light of the moratorium on ocean disposal.

In addition, the bill authorizes flood control studies important to numerous communities in my state. The bill provides for a study of flood control measures in the Repaupo Creek. This waterway contains a deteriorating 76-year old floodgate, which, if breached, threatens the communities of Greenwich, East Greenwich, Harrison, and Logan, Mantua, and Woolwich. Another important study of the Delaware River streams and watersheds in Camden and Gloucester Counties is authorized in the bill. The bill also includes a study of navigational needs along the Fortescue Inlet of the Delaware Bay.

Mr. President, the State of New Jersey, local governments and regional authorities have been carefully planning and budgeting for the critical projects that this bill authorizes. Any further delays could have an adverse impact on the economies of regions that are affected by these projects. I urge my colleagues to support this legislation.

I want to thank the Chairman, Senator CHAFEE, the Ranking Member, Senator BAUCUS, and the Subcommittee Chairman, Senator WARNER, and their staff members for their hard work on this bill. The members of the committee staff, including Dan Delich, Ann Loomis, and Jo-Ellen Darcy were extremely helpful and professional, putting in many long hours to produce a bill that benefits communities across the country.

Mr. MACK. Mr. President, I rise today in support of the Water Resources Development Act of 1998 (WRDA 98). WRDA 98 recognizes the importance of Florida's natural resources—through the authorization of projects and studies related to the Everglades, flood control, shore protection and water supply.

The investment Congress has made in the Everglades is significant. The authorization of the extension of the Everglades' Critical Restoration Projects is important because there are many stakeholders involved. The Senate, through WRDA 98, sends a clear message that this investment is important.

WRDA 98 recognizes the leadership Florida provides in the development of water resources by authorizing Aquifer Storage & Recovery projects in South Florida, as well as a deep water storage project in the Caloosahatchee River basin. These projects provide the important and necessary next steps to

continue the progress made in the restoration of the Everglades.

Finally, a critical Alternative Water Source provision provides the necessary framework for developing a sustainable water supply as Florida continues to experience unprecedented growth. In total, WRDA 98 provides for the authorization of 23 projects in Florida to meet important shore protection, flood control and water supply needs in the State.

The amendment (No. 3803) was agreed to.

The bill (S. 2131), as amended, was considered read the third time and passed, as follows:

S. 2131

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 "Water Resources Development Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 101. Definition.
Sec. 102. Project authorizations.
Sec. 103. Project modifications.
Sec. 104. Project deauthorizations.
Sec. 105. Studies.
Sec. 106. Flood hazard mitigation and riverine ecosystem restoration program.
Sec. 107. Shore protection.
Sec. 108. Small flood control authority.
Sec. 109. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 110. Everglades and south Florida ecosystem restoration.
Sec. 111. Aquatic ecosystem restoration.
Sec. 112. Beneficial uses of dredged material.
Sec. 113. Voluntary contributions by States and political subdivisions.
Sec. 114. Recreation user fees.
Sec. 115. Water resources development studies for the Pacific region.
Sec. 116. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 117. Outer Continental Shelf.
Sec. 118. Environmental dredging.
Sec. 119. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 120. Control of aquatic plant growth.
Sec. 121. Environmental infrastructure.
Sec. 122. Watershed management, restoration, and development.
Sec. 123. Lakes program.
Sec. 124. Dredging of salt ponds in the State of Rhode Island.
Sec. 125. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 126. Small flood control projects.
Sec. 127. Small navigation projects.
Sec. 128. Streambank protection projects.
Sec. 129. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 130. Guilford and New Haven, Connecticut.
Sec. 131. Francis Bland Floodway Ditch.
Sec. 132. Caloosahatchee River basin, Florida.
Sec. 133. Cumberland, Maryland, flood project mitigation.
Sec. 134. Sediments decontamination policy.
Sec. 135. City of Miami Beach, Florida.
Sec. 136. Small storm damage reduction projects.
Sec. 137. Sardis Reservoir, Oklahoma.
Sec. 138. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 139. Disposal of dredged material on beaches.
Sec. 140. Fish and wildlife mitigation.
Sec. 141. Upper Mississippi River management.
Sec. 142. Reimbursement of non-Federal interest.
Sec. 143. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 144. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 145. Shore damage prevention or mitigation.
Sec. 146. Larkspur Ferry Channel, California.
Sec. 147. Comprehensive Flood Impact-Response Modeling System.
Sec. 148. Study regarding innovative financing for small and medium-sized ports.
Sec. 149. Candy Lake project, Osage County, Oklahoma.
Sec. 150. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 151. Eyak River, Cordova, Alaska.
Sec. 152. North Padre Island storm damage reduction and environmental restoration project.
Sec. 153. Kanopolis Lake, Kansas.
Sec. 154. New York City watershed.
Sec. 155. City of Charlevoix reimbursement, Michigan.
Sec. 156. Hamilton Dam flood control project, Michigan.
Sec. 157. National Contaminated Sediment Task Force.
Sec. 158. Great Lakes basin program.
Sec. 159. Projects for improvement of the environment.
Sec. 160. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 161. Irrigation diversion protection and fisheries enhancement assistance.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Sec. 201. Definitions.
Sec. 202. Terrestrial wildlife habitat restoration.
Sec. 203. South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.
Sec. 204. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.
Sec. 205. Transfer of Federal land to State of South Dakota.
Sec. 206. Transfer of Corps of Engineers land for Indian Tribes.
Sec. 207. Administration.
Sec. 208. Study.
Sec. 209. Authorization of appropriations.

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 101. DEFINITION.

In this title, the term "Secretary" means the Secretary of the Army.

SEC. 102. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers, dated August 20, 1998, at a total cost of $85,900,000, with an estimated Federal cost of $54,980,000 and an estimated non-Federal cost of $30,920,000.

(2) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $464,600,000, with an estimated Federal cost of $302,000,000 and an estimated non-Federal cost of $162,600,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(3) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in

section 4 of that Act (16 U.S.C. 1004) at a total cost of $34,300,000, with an estimated Federal cost of $16,600,000 and an estimated non-Federal share of $17,700,000.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The Secretary may construct the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 18, 1998, at a total cost of $132,836,000, with an estimated Federal cost of $42,869,000 and an estimated non-Federal cost of $89,967,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $8,871,000, with an estimated Federal cost of $5,593,000 and an estimated non-Federal cost of $3,278,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $651,000, with an estimated annual Federal cost of $410,000 and an estimated annual non-Federal cost of $241,000.

(6) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the United States Army Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(7) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(8) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(9) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $110,045,000, with an estimated Federal cost of $71,343,000 and an estimated non-Federal cost of $38,702,000.

(10) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $27,692,000, with an estimated Federal cost of $18,510,000 and an estimated non-Federal cost of $9,182,000.

(11) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,720,000, with an estimated Federal cost of $5,567,000 and an estimated non-Federal cost of $3,153,000.

(12) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $27,300,000, with an estimated Federal cost of $17,745,000 and an estimated non-Federal cost of $9,555,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1998.

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,280,000, with an estimated first Federal cost of $19,162,000 and an estimated first non-Federal cost of $5,118,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska, at a total cost of $11,463,000, with an estimated Federal cost of $6,718,000 and an estimated first non-Federal cost of $4,745,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $11,930,000, with an estimated first Federal cost of $3,816,000 and an estimated first non-Federal cost of $8,114,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,100,000, with an estimated Federal cost of $41,300,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,900,000, with an estimated Federal cost of $128,600,000 and an estimated non-Federal cost of $86,300,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood damage reduction, environmental restoration, and recreation, South Sacramento County Streams, California at a total cost of $65,410,000, with an estimated Federal cost of $39,104,000 and an estimated non-Federal cost of $26,306,000.

(7) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California, at a total cost of $25,850,000, with an estimated Federal cost of $16,775,000 and an estimated non-Federal cost of $9,075,000.

(8) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The shore protection project for ecosystem restoration, Delaware Bay Coastline: Delaware and New Jersey-Port Mahon, Delaware, at a total cost of $7,563,000, with an estimated Federal cost of $4,916,000 and an estimated non-Federal cost of $2,647,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $238,000, with an estimated annual Federal cost of $155,000 and an estimated annual non-Federal cost of $83,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,326,000, with an estimated Federal cost of $2,569,000 and an estimated non-Federal cost of $757,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $207,000, with an estimated annual Federal cost of $159,000 and an estimated annual non-Federal cost of $48,000.

(10) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,094,000, with an estimated Federal cost of $14,361,000 and an estimated non-Federal cost of $7,733,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,573,000, with an estimated annual Federal cost of $1,022,000 and an estimated annual non-Federal cost of $551,000.

(11) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $27,758,000, with an estimated Federal cost of $9,632,000 and an estimated non-Federal cost of $18,126,000.

(12) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The shore protection project for hurricane and storm damage prevention, Little Talbot Island, Duval County, Florida, at a total cost of $5,802,000, with an estimated Federal cost of $3,771,000 and an estimated non-Federal cost of $2,031,000.

(13) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,533,000, with an estimated Federal cost of $3,408,000 and an estimated non-Federal cost of $2,125,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida, at a total cost of $11,348,000, with an estimated Federal cost of $5,747,000 and an estimated non-Federal cost of $5,601,000.

(15) BRUNSWICK HARBOR DEEPENING, GEORGIA.—The project for navigation, Brunswick Harbor deepening, Georgia, at a total cost of $49,433,000, with an estimated Federal cost of $32,083,000 and an estimated non-Federal cost of $17,350,000.

(16) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project

for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $223,887,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $141,482,000 and an estimated non-Federal cost of $82,405,000, if the final report of the Chief of Engineers is completed by December 31, 1998.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(17) GRAND FORKS, NORTH DAKOTA, AND EAST GRAND FORKS, MINNESOTA.—The project for flood damage reduction and recreation, Grand Forks, North Dakota, and East Grand Forks, Minnesota, at a total cost of $307,750,000, with an estimated Federal cost of $154,360,000 and an estimated non-Federal cost of $153,390,000.

(18) BAYOU CASSOTTE EXTENSION, PASCAGOULA HARBOR, PASCAGOULA, MISSISSIPPI.—The project for navigation, Bayou Cassotte extension, Pascagoula Harbor, Pascagoula, Mississippi, at a total cost of $5,700,000, with an estimated Federal cost of $3,705,000 and an estimated non-Federal cost of $1,995,000.

(19) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $43,288,000 with an estimated Federal cost of $28,840,000 and an estimated non-Federal cost of $17,448,000.

(20) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for navigation mitigation, ecosystem restoration, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $14,885,000, with an estimated Federal cost of $11,390,000 and an estimated non-Federal cost of $3,495,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $4,565,000, with an estimated annual Federal cost of $3,674,000 and an estimated annual non-Federal cost of $891,000.

(21) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,861,000, with an estimated Federal cost of $3,160,000 and an estimated non-Federal cost of $1,701,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $454,000, with an estimated annual Federal cost of $295,000 and an estimated annual non-Federal cost of $159,000.

(22) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction and ecosystem restoration, New Jersey Shore protection, Townsends Inlet to Cape May Inlet, New Jersey, at a total cost of $55,204,000, with an estimated Federal cost of $35,883,000 and an estimated non-Federal cost of $19,321,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $6,319,000, with an estimated annual Federal cost of $4,107,000 and an estimated annual non-Federal cost of $2,212,000.

(23) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(24) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—The project for flood damage reduction and recreation, Metro Certer Levee, Cumberland River, Nashville, Tennessee, at a total cost of $5,931,000, with an estimated Federal cost of $3,753,000 and an estimated non-Federal cost of $2,178,000.

(25) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $74,908,000, with an estimated Federal cost of $36,284,000 and an estimated non-Federal cost of $38,624,000.

SEC. 103. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), and further modified by section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to authorize the Secretary to carry out the portion of the project in Glenn-Colusa, California, in accordance with the Corps of Engineers report dated May 22, 1998, at a total cost of $20,700,000, with an estimated Federal cost of $15,570,000 and an estimated non-Federal cost of $5,130,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled "Bank Stabilization Concept, Laurel Street Extension", dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $16,632,000, with an estimated Federal cost of $9,508,000 and an estimated non-Federal cost of $7,124,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California, authorized by section 101(4) of the Water Resources Development Act of 1992 (106 Stat. 4801) is modified to authorize the Secretary to construct the project at a total cost of $32,600,000, with an estimated Federal cost of $24,500,000 and an estimated non-Federal cost of $8,100,000.

(2) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(3) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(4) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $100,689,000, with an estimated Federal cost of $74,998,000 and an estimated non-Federal cost of $25,701,000.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $269,672,000, with an estimated Federal cost of $178,400,000 and an estimated non-Federal cost of $91,272,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $37,936,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.—

(1) IN GENERAL.—

(A) LAND ACQUISITION.—To provide full operational capability to carry out the authorized purposes of the Missouri River Main Stem dams that are part of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved December 22, 1944 (58 Stat. 891), the Secretary may acquire from willing sellers such land and property in the vicinity of Pierre, South Dakota, or floodproof or relocate such property within the project area, as the Secretary determines is adversely affected by the full wintertime Oahe Powerplant releases.

(B) OWNERSHIP AND USE.—Any land that is acquired under subparagraph (A) shall be kept in public ownership and shall be dedicated and maintained in perpetuity for a use that is compatible with any remaining flood threat.

(C) REPORT.—

(i) IN GENERAL.—The Secretary shall not obligate funds to implement this paragraph

until the Secretary has completed a report addressing the criteria for selecting which properties are to be acquired, relocated, or floodproofed, and a plan for implementing such measures, and has made a determination that the measures are economically justified.

(ii) DEADLINE.—The report shall be completed not later than 180 days after funding is made available.

(D) COORDINATION AND COOPERATION.—The report and implementation plan—

(i) shall be coordinated with the Federal Emergency Management Agency; and

(ii) shall be prepared in consultation with other Federal agencies, State and local officials, and residents.

(E) CONSIDERATIONS.—The report should take into account information from prior and ongoing studies.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000.

(h) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(i) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(j) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(k) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(l) MIAMI DADE AGRICULTURAL AND RURAL LAND RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

"(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

"(i) the Secretary determines that—

"(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

"(II) the work is necessary for a critical restoration project; and

"(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.".

(m) LAKE MICHIGAN, ILLINOIS.—

(1) IN GENERAL.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(n) MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking "$250,000 per fiscal year for each fiscal year beginning after September 30, 1986" and inserting "a total of $1,250,000 for each of fiscal years 1999 through 2003".

(o) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(p) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(q) JACKSON COUNTY, MISSISSIPPI.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(r) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21-3-85-1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21-3-85-1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with such plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21-3-85-1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(s) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No.

DACW68-1-97-22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws and regulations.

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(t) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(u) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 104. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

"(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).".

SEC. 105. STUDIES.

(a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—The Secretary of the Army shall review the report of the Chief of Engineers on the Alabama Coast published as House Document 108, 90th Congress, 1st Session, and other pertinent reports, with a view to determining whether modifications of the recommendations contained in the House Document are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality, and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the watersheds in Baldwin County, Alabama.

(b) ESCAMBIA RIVER, ALABAMA AND FLORIDA.—

(1) IN GENERAL.—The Secretary shall review the report of the Chief of Engineers on the Escambia River, Alabama and Florida, published as House Document 350, 71st Congress, 2d Session, and other pertinent reports, to determine whether modifications of any of the recommendations contained in the House Document are advisable at this time with particular reference to Burnt Corn Creek and Murder Creek in the vicinity of Brewton, and East Brewton, Alabama, and the need for flood control, floodplain evacuation, flood warning and preparedness, environmental restoration and protection, and bank stabilization in those areas.

(2) COORDINATION.—The review shall be coordinated with plans of other local and Federal agencies.

(c) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(d) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(e) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(f) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(g) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(h) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(i) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(j) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(k) HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER BASINS, FLORIDA.—The Secretary shall

conduct a study to identify appropriate measures that can be undertaken in the Green Swamp, Withlacoochee River, and the Hillsborough River, the Water Triangle of west central Florida, to address comprehensive watershed planning for water conservation, water supply, restoration and protection of environmental resources, and other water resource-related problems in the area.

(l) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(m) ST. LUCIE COUNTY, FLORIDA, SHORE PROTECTION.—The Secretary shall conduct a study to determine the feasibility of a shore protection and hurricane and storm damage reduction project to the shoreline areas in St. Lucie County from the current project for Fort Pierce Beach, Florida, southward to the Martin County line.

(n) SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking erosion control, bank stabilization, and flood control along the Saint Joseph River, Indiana, including the South Bend Dam and the banks of the East Bank and Island Park.

(o) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(p) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(q) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(r) CONTRABAND BAYOU NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(s) GOLDEN MEADOW LOCK, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(t) GULF INTRACOASTAL WATERWAY ECOSYSTEM PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(u) LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY, ST. CHARLES PARISH PUMPS.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(v) LAKE PONTCHARTRAIN AND VICINITY SEAWALL RESTORATION, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(w) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary shall conduct a study of the impacts of crediting the non-Federal interests for work performed in the project area of the Louisiana State Penitentiary Levee.

(x) DETROIT RIVER, MICHIGAN, GREENWAY CORRIDOR STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) POTENTIAL MODIFICATIONS.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(y) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(z) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(aa) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(bb) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(cc) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(dd) CAMDEN AND GLOUCESTER COUNTIES, NEW JERSEY, STREAMS AND WATERSHEDS.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration, floodplain management, flood control, water quality control, comprehensive watershed management, and other allied purposes along tributaries of the Delaware River, Camden County and Gloucester County, New Jersey.

(ee) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(ff) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(gg) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison

Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(hh) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(ii) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(kk) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(ll) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(mm) CITY OF OCEAN SHORES SHORE PROTECTION PROJECT, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for beach erosion and flood control, including relocation of a primary dune and periodic nourishment, at Ocean Shores, Washington.

(nn) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(oo) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(pp) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(qq) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(rr) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 107. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking "Costs of constructing" and inserting the following:

"(1) CONSTRUCTION.—Costs of constructing"; and

(2) by adding at the end the following:

"(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1998, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

"(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

"(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.".

SEC. 108. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking "construction of small projects" and inserting "implementation of small structural and nonstructural projects"; and

(2) in the third sentence, by striking "$5,000,000" and inserting "$7,000,000".

SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: ", but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities".

SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking "1999" and inserting "2000".

SEC. 111. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking "Construction" and inserting the following:

"(1) IN GENERAL.—Construction"; and

(2) by adding at the end the following:

"(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting "or environmental restoration" after "flood control".

SEC. 114. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l-6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking "interest of navigation" and inserting "interests of water resources development (including navigation, flood damage reduction, and environmental restoration)".

SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term "middle Mississippi River" means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term "Missouri River" means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term "project" means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 117. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: "or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)".

(b) REIMBURSEMENT FOR LOCAL INTERESTS AT SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—Any amounts paid by the non-Federal interests for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 118. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

"(6) Snake Creek, Bixby, Oklahoma.".

SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking "BENEFIT-COST ANALYSIS" and inserting "ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects."; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking "(b)" and inserting "(d)".

SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting "Arundo dona," after "water-hyacinth,"; and

(2) by inserting "tarmarix" after "melaleuca".

SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

"(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

"(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.".

SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

"(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia."; and

(B) by adding at the end the following:

"(14) Clear Lake watershed, California.

"(15) Fresno Slough watershed, California.

"(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

"(17) Kaweah River watershed, California.

"(18) Lake Tahoe watershed, California and Nevada.

"(19) Malibu Creek watershed, California.

"(20) Truckee River basin, Nevada.

"(21) Walker River basin, Nevada.

"(22) Bronx River watershed, New York.

"(23) Catawba River watershed, North Carolina.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.".

SEC. 123. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

"(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

"(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

"(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.".

SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

"(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.".

SEC. 126. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

"(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey."; and

(3) by adding at the end the following:

"(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

"(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.".

SEC. 127. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.".

SEC. 128. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701s).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

(a) IN GENERAL.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) NON-FEDERAL SHARE.—The non-Federal share, excluding lands, easements, rights-of-way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 131. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as "Eight Mile Creek, Paragould, Arkansas", shall be known and designated as the "Francis Bland Floodway Ditch".

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 132. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: ", including potential land acquisition in the Caloosahatchee River basin or other areas".

SEC. 133. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 134. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102-580) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

"(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.".

SEC. 135. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ", including the city of Miami Beach, Florida".

SEC. 136. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 137. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56-74-JC-0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 138. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 139. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking "50" and inserting "35".

SEC. 140. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: "Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.".

SEC. 141. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking "(e)" and all that follows through the end of paragraph (2) and inserting the following:

"(e) UNDERTAKINGS.—

"(1) IN GENERAL.—

"(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

"(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

"(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

"(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

"(i) to the maximum extent practicable, simulate natural river processes;

"(ii) include an outreach and education component; and

"(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

"(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

"(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

"(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

"(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

"(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

"(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

"(A) contains an evaluation of the programs described in paragraph (1);

"(B) describes the accomplishments of each program;

"(C) includes results of a habitat and natural resource needs assessment; and

"(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).";

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)"; and

(ii) by striking "Secretary not to exceed" and all that follows and inserting "Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.";

(C) in paragraph (4)—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)"; and

(ii) by striking "$7,680,000" and all that follows and inserting "$10,420,000 for each of fiscal years 1999 through 2009.";

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

"(6) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

"(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A).";

and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting "(i)" after "paragraph (1)(A)"; and

(II) by inserting before the period at the end the following: "and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent"; and

(ii) in subparagraph (B), by striking "paragraphs (1)(B) and (1)(C) of this subsection" and inserting "paragraph (1)(A)(ii)";

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

"(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.".

SEC. 142. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(2)(A)) is amended by striking "subject to amounts being made available in advance in appropriations Acts" and inserting "subject to the availability of appropriations".

SEC. 143. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104-303) is amended by striking subsection (a) and all that follows and inserting the following:

"(a) SALMON SURVIVAL ACTIVITIES.—

"(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

"(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

"(A) impacts from water resources projects and other impacts on salmon life cycles;

"(B) juvenile and adult salmon passage;

"(C) light and sound guidance systems;

"(D) surface-oriented collector systems;

"(E) transportation mechanisms; and

"(F) dissolved gas monitoring and abatement.

"(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

"(A) studies of juvenile salmon survival in spawning and rearing areas;

"(B) estuary and near-ocean juvenile and adult salmon survival;

"(C) impacts on salmon life cycles from sources other than water resources projects;

"(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

"(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

"(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

"(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

"(b) ADVANCED TURBINE DEVELOPMENT.—

"(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

"(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

"(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

"(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.".

SEC. 144. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 145. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The costs" and inserting the following:

"(b) COST SHARING.—The costs";

(3) in the third sentence—

(A) by striking "No such" and inserting the following:

"(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such"; and

(B) by striking "$2,000,000" and inserting "$5,000,000"; and

(4) by adding at the end the following:

"(d) COORDINATION.—The Secretary shall—

"(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

"(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.".

SEC. 146. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 147. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 148. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 149. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term "fair market value" means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Army Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 150. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 151. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 152. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 153. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 154. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking "for the project to be carried out with such assistance" and inserting ", or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)".

SEC. 155. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 156. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 157. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term "Task Force" means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 158. GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Army Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Army Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Army Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Army Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 159. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary"; and

(2) by adding at the end the following:

"(2) CONTROL OF SEA LAMPREY.—Congress finds that—

"(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

"(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.".

SEC. 160. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Army Corps of Engineers.

SEC. 161. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 201. DEFINITIONS.

In this title:

(1) RESTORATION.—The term "restoration" means mitigation of the habitat of wildlife.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(3) TERRESTRIAL WILDLIFE HABITAT.—The term "terrestrial wildlife habitat" means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(4) WILDLIFE.—The term "wildlife" has the meaning given the term in section 8 of the

Fish and Wildlife Coordination Act (16 U.S.C. 666b).

SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 203, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 204, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) implement the programs.

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the earlier of—

(aa) the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 203(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 204(d)(3)(A)(i); or

(bb) the date that is 4 years after the date of enactment of this Act.

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 203(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 203(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 204(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 203 and 204 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund" (referred to in this section as the "Fund").

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $108,000,000, the Secretary of the Treasury shall deposit in the Fund an amount equal to 15 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(A), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the "Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund" and the "Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund" (each of which is referred to in this section as a "Fund").

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least $57,400,000, the Secretary of the Treasury shall deposit in the Funds an amount equal to 10 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(2) ALLOCATION.—Of the total amount of funds deposited into the Funds for a fiscal year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary of the Army shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the "Department") the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary of the Army to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 202.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(4) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin's Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as "Cottonwood", "Training Dike", or "Tailwaters"; and

(5) is located below Gavin's Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 203.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Nothing in this title affects jurisdiction over the land and water below the exclusive flood pool of the Missouri River within the State of South Dakota, including affected Indian reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue in perpetuity to exercise the jurisdiction the State and Tribes possess on the date of enactment of this Act.

(2) NO EFFECT ON RESPECTIVE JURISDICTIONS.—The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in paragraph (1).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the

following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w–3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c).

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 204.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—Nothing in this title affects jurisdiction over the land and waters below the exclusive flood pool and within the external boundaries of the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue to exercise, in perpetuity, the jurisdiction they possess on the date of enactment of this Act with regard to those lands and waters. The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in the preceding sentence. Jurisdiction over the land transferred under this section shall be the same as that over other land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Tribe reservation and the Lower Brule Sioux Tribe reservation.

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

SEC. 207. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) POWER RATES.—No payment made under this title shall affect any power rate under the Pick-Sloan Missouri River Basin program.

(c) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private land caused by the operation of the Pick-Sloan Missouri River Basin program.

(d) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

SEC. 208. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to conduct a comprehensive study of the potential impacts of the transfer of land under sections 205(b) and 206(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 205(b) or 206(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title; and

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 202(a).

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

Mr. LOTT. Let me just say again, a lot of work went into this important legislation involving water resources. It affects States throughout the country. I am very pleased that we got this done. We worked on it in a bipartisan way. And we are hoping now that the House will act expeditiously and we can complete this legislation.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we do have another move we will need to make in a few minutes, but Senator DASCHLE has indicated he would wish to have an opportunity to use some leader time at this point and, depending on how things go, I may want to do the same. But we worked on these things in a cooperative way, and he is entitled to take leader time. And we have assured each other that nobody is going to try to take advantage of this time.

I yield the floor so that Senator DASCHLE can use leader time on his issue.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank the majority leader.

BLOCKING HMO REFORM

Mr. DASCHLE. First, let me say that I would not have required leader time had we been following what I understand is normal procedure on the Senate floor: The majority leader is recognized first, the Democratic leader is recognized second. I was not recognized following the motion that I made, and I am very disappointed—

Mr. LEAHY. The Senate is not in order. I think the leader is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order. Please take all extraneous conversations to the cloakroom.

Mr. DASCHLE. I thank the Senator from Vermont.

I would clarify my comments by adding that the current Presiding Officer was not in the chair, nor was the current Parliamentarian. So it could have been an accident, and I will accept it as that, but I would hope that the Chair—not this particular Presiding Officer—but the Chair would always recognize the importance of following Senate rules. And Senate rules oblige the Chair to recognize either leader before any other Member.

Mr. President, I wanted the opportunity to talk about why we raised HMO reform today and why it was important that we have a vote. We had the vote on almost a partisan basis—there were a couple of our Republican colleagues who joined us, but it was largely on a partisan basis. Once again, our efforts to bring forth a bill and a debate on the Patients' Bill of Rights failed. I am disappointed because this may be the last opportunity we have to consider this issue.

We have considered a lot of items over the last couple of weeks. I have reported to the distinguished majority leader that I have heard from many of my Members on a daily basis why it is important to bring up HMO reform if we are going to bring up so many other issues. As the sponsor of the legislation, frankly, I feel much the same with regard to the priority this legislation should have.

We have attempted to deal with H.R. 10, and I have supported that effort. We have successfully dealt with Internet tax, and I supported that. We dealt with bankruptcy, and, unfortunately, that bill will be vetoed in large measure because we weren't able to come to some successful conclusion in the negotiations, but I supported that. We had time for all of those measures. That our Senate colleagues do not have the time or are unwilling to provide the priority to this legislation speaks volumes about where their real priorities are.

Democrats have said over and over again there is nothing more important than this legislation, that there is nothing more important on our agenda than passing a Patients' Bill of Rights this year.

We have held hearings throughout the year. We introduced our bill in March, S. 1890. We attempted over the last 9 months, through myriad parliamentary procedures, to be able to come to some conclusion on this issue. We even proposed working overtime, a second shift, to be able to address a Patients' Bill of Rights in a meaningful way. We even offered the bill as an amendment. We have been thwarted in every single scenario that has presented itself to the Senate to date.

Frankly, the priority that this legislation should have is probably as great a dividing line as there is between our Republican colleagues and Democratic Senators. Our Republican colleagues first urged insurers to "get out their wallets" and fight protections as though it were a war.

In April, they voted against the sense-of-the-Senate resolution regarding patients' rights—a vote against access to specialists, against protection from drive-through mastectomies, against an end to the practice of medicine by insurance company bureaucrats.

By July they had read polls and, frankly, I think they were concerned about the political implications of this issue. Then they introduced a bill, strikingly different from ours but using exactly the same title. The fact is there are now two bills entitled a Patients' Bill of Rights—one that is real and one that is not. Their bill is filled with loopholes that benefit the insurance industry. And today, once again, they have refused to debate the real issues and our real differences regarding this legislation.

Passage of real patient protections should have been the highest priority of this session of Congress. We should have ended this session celebrating bipartisan cooperation on a bill of this import.

Instead, our colleagues have thwarted us at every turn. They have ignored how real people get hurt. Over the past year, we have heard story after story of abuses that should have been addressed.

We heard about a 6-month-old by the name of James Adams, who was burning with a 105-degree fever, and his HMO forced his parents to drive to an emergency room over an hour away, even though there was a hospital closer by. Young James suffered cardiac arrest, and lost his hands and feet.

We also heard about forty-five-year-old Buddy Kuhl who died after his HMO denied and delayed heart surgery. He left a wife and two young children. We could go on with these tragedies that occur every day outside this chamber.

The tragedy within this chamber is, with all of these stories and millions and millions of people abused every year, this Congress has ignored and thwarted every effort to address the problem. There is no explanation, no excuse, no way it can be explained away.

One-hundred and eighty different groups, as disparate as they can be—from doctors and nurses organizations, to organizations representing consumers and workers, to the American Cancer Society—urged the Congress, in as strong terms as they could, to do something, resolve this problem, address it in a comprehensive way. Don't pass a sham bill. Don't say you passed something and falsely raise expectations. Don't talk about how serious the problem is and then not address it.

We have lost an opportunity to address this issue. We have lost the opportunity to provide critical protections to those who need emergency care, to those who need access to specialists, and to those who have ongoing illnesses who recognize the abuses by HMOs and are increasingly frustrated with Congress' unwillingness to deal with this issue. These are the people who recognize the importance of access to the prescription drugs a doctor prescribes as necessary. They recognize the importance of access to clinical trials. They recognize that the protection against retaliation for doctors and nurses who advocate for patients is critical. They recognize that protection from insurance companies who interfere with a doctor's best judgment is necessary.

With all the recognition of the problems that exist, with all that realization, we had an opportunity to work in a bipartisan way to resolve these matters. To leave the issue on the calendar, to leave that work undone is indeed a tragedy.

I acknowledge that our prospects for passing something this year are not good. But I will state as unequivocally as I can that this will continue to be an issue until it is resolved. This will continue to be something we will force on the Senate agenda in whatever way we can—as an amendment, moving to a

motion to proceed, finding ways to reach out to the millions of Americans who need our help this year and who will certainly need it next year.

We must act responsibly. We must act comprehensively. I hope we do it sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I will say at the beginning that I agree with Senator DASCHLE that this is something we should address and I believe we will address because there are some legitimate concerns and problems in this area that need to be dealt with. I am very hopeful we can do that next year.

I want to thank Senator NICKLES and our task force that worked on this issue. I want to thank Dr. BILL FRIST, a Member of the Senate, who worked on this issue. I think it is great that we actually have a doctor involved that understands what happens in this area.

I have told people, you can take your choice here of which bill is really the best bill—the one proposed by the Democratic side, led by Senator KENNEDY, or the one proposed over on the Republican side led by Dr. BILL FRIST. I think the choice is pretty clear. But thank you for your work. I do believe that we are going to address this next year. I believe we will do it in, hopefully, a responsible way and, eventually, it can be a bipartisan bill.

This effort today was clearly a planned PR effort because we were able to accidentally come across some e-mail that indicated that this was in preparation for a big hoopla down at the White House.

We have tried to get this issue up in a fair way—on June 18, three different times; on July 15, twice; on June 25, and on other occasions, I had offered a very fair process to bring this up. The Democratic proposal, sponsored by Senators DASCHLE, KENNEDY, and others, would have been offered. Our alternative proposal, the Republican proposal, would have been offered. We could have debated them both, with three amendments on both sides. It could be small amendments or big amendments—that is up to either side—and we could have had the votes and been done with it, and sent it to conference with the House. We could have completed this in June or July.

But, no, the Democrats objected. They didn't want to have the two bills head to head and amendments in order because they knew what the result would be. We had a good proposal; it was going to pass. By the way, we might actually have gotten something done.

They don't want this issue to pass. They want a political issue. We could have done this in June or July, but they objected, saying, no, we must have 20 amendments on each side. Twenty amendments; forty amendments total—days. The whole plan was to try to find a way to have the Members have to cast repeated votes on an issue that would obfuscate the difference between the two bills in reality.

So we have made an effort. We are ready to go. We would have been happy to do it in June or July. We are going to be looking for a way to do it next year. When the time comes, it won't be the Kennedy-Daschle bill. The American people don't want or need that. What we need is a fair bill. We need access. What we don't need is something that will lead to more costs and more lawsuits—hallelujah.

Is this about the patients and the doctors and health care, or is this so my brother-in-law can file another lawsuit? I have the answer. The answer is that we ought to be worrying about the patients and the health care providers in America. We have a good bill. I am proud to have supported it and to have been willing to bring it up in a fair way. We will do it, I hope, early next year.

I would be glad to yield to the assistant majority leader, Senator NICKLES, who has done great work on this.

Mr. NICKLES. Mr. President, I am disappointed that our colleagues on the Democrat side of the aisle really have tried to play politics with this issue. Many of us were very, very serious about trying to pass a positive bill that dealt with HMO organizations, with health care. We studied the issue for a long time. Senator DASCHLE said after they realized the polls, they introduced the bill in July. We worked 7 or 8 months trying to put a bill together that would be a responsible, positive bill to meet certain objectives. One, not increase the number of people in the uninsured category. Unfortunately, I think that would have happened under the Kennedy bill. It would have dramatically increased the cost of insurance and, therefore, dramatically increase the number of people who are uninsured. We said, What can we do that would be a positive impact on helping people have affordable health care and maybe provide some coverage and protections for those people who don't have it from their States, and so we put together a package to do that.

We didn't come up and say, hey, trial lawyers, what would you like? Under the Democrats' bill, really, it was a bill that would greatly enhance attorney fees. It gave people the right not only to sue the HMO and the health care provider, but also the employer as well. The net result is that lots of employers would have dropped plans, increased the number of uninsured. That would not have helped anybody. It would have been a serious mistake. We didn't want to pass legislation that would increase the number of uninsured by 1 million people. That would have been a mistake.

So we were willing to take it up. Our colleagues have said, wait a minute, we want to vote today. Today may be the last or second to last day we are going to be in session. In June or July, we offered to do this. Or we tried to get it done this September where we would have a reasonable time limit, where we would vote and pass legislation. Unfortunately, I think Senator KENNEDY and others didn't want to do that because they didn't have the votes.

Their proposal didn't have the votes. It had a lot of rhetoric, but it didn't have the votes. They never would take yes for an answer. We were willing to take up their proposal. We were willing to take up our proposal. We were willing to have a couple of amendments on each side. They could have drafted those amendments any way they wanted to. They could have addressed every issue they wanted to, and we could have passed legislation. We could have done it in time to go to conference with the House and maybe work out a responsible and reasonable bill that could be enacted into law. Unfortunately, they wouldn't take yes for an answer.

So they played games trying to turn it into an election year issue. I can see it right now. People will try to run ads—maybe in my State—and say, "NICKLES opposed Patients' Bill of Rights." But the truth is, we had 50 cosponsors on this side of the aisle who cosponsored a Patients' Bill of Rights that, in my opinion, and the belief of the majority of the body, was far superior to the bill that was proffered by our colleagues on the Democratic side of the aisle. It is unfortunate to me that they wouldn't take yes for an answer. They wouldn't agree to a unanimous consent request that would have allowed us to pass legislation and, instead, resorted to some type of shenanigan where they tried to get a vote and then have the galleries filled with people in the House.

And so, "Oh, yes, we are really working to do this," when all they were looking for was an election year ad not to pass real legislation.

Mr. KENNEDY. Will the Senator yield?

Mr. President, I listened with interest to the attempts of my good friends Senators LOTT and NICKLES to rewrite the history of the Patients' Bill of Rights in this Congress. No amount of rhetoric and disinformation can disguise the fact that the Republicans in Congress have abused the rules of the Senate to prevent passage of strong patient protections this year. The vote today was the latest installment payment to powerful special interests opposed to change.

The Republican leadership could have called the Patients' Bill of Rights at any time for a full and fair debate. Instead, proposed a series of phony "consent" agreements that would prevent fair debate and make passage of

real reform impossible. These stalling tactics were clearly meant to run out the clock, so that managed care reforms cannot be passed before Congress adjourns, and so that the Republican leadership can avoid responsibility for its defeat.

The record of Republican attempts to avoid the blame for inaction would be laughable, if the consequences for patients across the country were not so serious.

On June 18, Senator LOTT proposed to bring up the bill, but on terms that made a mockery of the legislative process. His proposal would have allowed the Senate to start considering HMO reform, but he would have been permitted to end the debate at any time. The proposal also barred the Senate from considering any other health care legislation for the rest of the year. So if Senator LOTT did not like the direction the bill was headed, he could kill it and tie the Senate's hands on HMO reform for the remainder of the year.

On June 23, 43 Democratic Senators wrote to Senator LOTT to urge that he allow a debate and votes on the merits of the Patient's Bill of Rights. We requested that the Senate take up this issue before the August recess.

In response, on June 24, Senator LOTT repeated his earlier unacceptable offer.

On June 25, Senator DASCHLE proposed an agreement in which Senator LOTT would bring up a Republican health care bill by July 6, so that Senator DASCHLE could offer the Democratic Patients' Bill of Rights, and other Senators could offer amendments on HMO reform. We would agree to avoid amendments on any other subject. Only amendments related to the Patients Bill of Rights would be eligible for consideration. Senator LOTT rejected this offer as well.

On June 26, he offered once again an agreement that allowed him to withdraw the legislation at any time, and bar any further consideration of any health care legislation for the remainder of the year.

On July 15, Senator LOTT made yet another offer. This time, he proposed an agreement that permitted only one amendment. He could bring up bill. We could bring up ours. And that would be it—all or nothing. No votes on key issues.

On July 29 and on September 1, the Republican leadership offered variations of this proposal, with amendments restricted to three for Democrats and three for Republicans.

Senator DASCHLE offered yet another reasonable approach to resolve the impasse that Senator LOTT had created by his efforts to prevent meaningful reform. He offered to agree to let the Senate debate other bills during the day, and use evenings to debate the Patients' Bill of Rights—but the Republican leadership said, "no."

Our patients' Bill of Rights was introduced in March—and a predecessor bill was introduced by Congressman DINGELL and myself more than eighteen months ago, at the beginning of this Congress.

Senator DASCHLE, in an effort to be responsive to the Republican Leader's ultimatum that an agreement on the terms of the debate must be reached before the debate can begin, has offered reasonable proposal after reasonable propsal—and every one was rejected.

Yet the Republican leader has allowed the Senate to debate many other bills this year, with ample time and ample opportunity for amendments.

We had 7 days of debate on the budget resolution, and considered 105 amendments. Two of those were offered by Senator NICKLES.

We had 6 days of debate on the defense authorization bill, and considered 150 amendments. Two of those were offered by Senator LOTT and he cosponsored 10 others. We had 8 days of debate on IRS reform and considered 13 amendments.

We had 17 days of debate on tobacco legislation—a bill we never completed—and considered 18 amendments.

We had 5 days of debate on the agriculture appropriations bill and 55 amendments.

We had 19 days of debate on the highway bill, with 100 amendments.

The Republican leadership has allowed 5 days of debate and 24 amendments to the bankruptcy bill.

They have allowed 36 amendments and 2 days of debate on the FAA bill.

All these bills were important, and all deserved reasonable debate and opportunities for amendments. They were brought up without any undue restrictions on debate. That is the normal way of doing business on important pieces of legislation in the Senate.

The Republican leadership was willing to have an adequate opportunity to debate and vote on these other important measures. But when the issue is protecting American families instead of insurance industry profits, different ground rules apply to protect the industry and deny the rights of patients.

The reason the Republican leadership was unwilling to engage in a fair debate is obvious. Senator LOTT knows his legislation is deeply flawed, and that it cannot possibly be fixed with just three amendments. He believes that he and his special interest friends can hold most of the Republican Senators for a few votes, but he feared that the would not be willing to stand before the American people on the Senate floor and cast vote after vote for the special interests and against the interests of American families. The fundamental flaws in the Republican bill mean greater profits for insurance companies and lesser care for American patients. Senator LOTT does not want the Senate to vote to fix these flaws. He does not want a vote: on whether all Americans should be covered, or just one third of Americans as the Republicans shamefully propose; on whether there should be genuine access to emergency room care; on whether patients should have access to the specialists they need when they are seriously ill; on whether doctors should be free to give the medical advice they deem appropriate, without fear of being fired by their HMO; on whether patients with incurable cancer or Alzheimer's disease or other serious illnesses should have access to quality clinical trials where conventional treatments offer no hope; on whether patients in the middle of a course of treatment can keep their doctor if their health plan drops them from its network, or their employer changes health plans; on whether the special health needs of the disabled, and women, and children should be met; on whether patients should be able to obtain timely independent review of plan decisions that deny care; or on whether health plans should be held responsible in court for decisions that kill or injure patients.

The list of flaws in the Republican bill goes on and on.

The Republican leadership's record on this issue is painfully clear. Their cynical strategy is to protect the insurance industry at all costs, by blocking any reform at all, or by passing only a minimalist bill so weak that it would be worse than no bill at all. And today, they finally ended the charade—by moving to table a motion to bring the bill passed by Republicans in the House before the Senate.

Last Friday, the Wall Street Journal reported that the Republican Congressional Campaign Committee held a $25,000-a-person fundraiser for a "select group" of health care industry executives. The heading for the article was, "Politicians seek to profit from the debate over health care policies."

The American people are sick of health insurance companies that profit by abusing patients. And it is equally unacceptable that politicians should profit by protecting those exorbitant industry profits.

Every family in this country knows that it will some day have to confront the challenge of serious illness for a parent, or grandparent, or a child. When that day comes, all of us want the best possible medical care for our loved ones. Members of the ?Senate deserve good medical care for their loved ones—and we generally get it. Every other family is equally deserving of good quality care—but too often they do not get it, because their insurance plan is more interested in profits than patients.

The Patients' Bill of Rights provides simple justice and basic protection for every one of the 160 million Americans with private insurance. It is supported

by the American Medical Association, the Consortium of Citizens with Disabilities, the American Cancer Society, the American Heart Association, the National Alliance for the Mentally Ill, the National Partnership for Women and Families, the National Association of Children's Hospitals, the AFL–CIO, and many other groups representing physicians and other health care providers, children, women, families, consumers, persons with disabilities, Americans with serious illnesses, small businesses, and working families.

It is rare for such a broad and diverse coalition to come together in support of legislation. Both they have done so to end these flagrant abuses that hurt so many families.

We serve notice today that this struggle is not over. The Republicans in Congress and their friends in the insurance industry may have won this year's battle, but they will lose in the end.

Democrats in Congress intend to make the Patients' Bill of Rights the first order of business when the new Congress convenes next January. We will continue to fight for meaningful patient protections until they are signed into law. We will not give up this struggle until every family can be confident that a child or parent or grandparent who is ill will receive the best care that American medicine can provide.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the pending committee substitute.

The PRESIDING OFFICER. Will the Senator withhold?

FINANCIAL SERVICES ACT OF 1998

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes.

The Senate resumed consideration of the bill.

Mr. LOTT. I now ask for the yeas and nays on the pending committee substitute.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

MOTION TO RECOMMIT

Mr. LOTT. I move to recommit H.R. 10 back to the Banking Committee to report back forthwith with an amendment.

AMENDMENT NO. 3804

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3804.

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

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

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

Mr. LOTT. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3805 TO INSTRUCTIONS TO RECOMMIT

Mr. LOTT. I send an amendment to the desk to the pending motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3805 to the instructions to recommit.

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

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

The amendment is as follows:

At the end of the Instructions, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Tax Elimination Act".

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) TREATMENT OF INCOME.—For purposes of this section—

"(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

"(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

"(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

"(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

"(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

"(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

"(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

"(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

"(6) section 63 shall be applied as if such spouses were not married, and

"(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

"(A) the numerator of which is such spouse's adjusted gross income, and

"(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

"(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.".

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:".

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

"(C) $3,000 in the case of an individual who is not—

"(i) a married individual filing a joint return or a separate return,

"(ii) a surviving spouse, or

"(iii) a head of household, or".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning January 1, 2000.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3806 TO AMENDMENT NO. 3805

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 3806 to amendment No. 3805.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the "Marriage Tax Elimination Act".

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) TREATMENT OF INCOME.—For purposes of this section—

"(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

"(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

"(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

"(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

"(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

"(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

"(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

"(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

"(6) section 63 shall be applied as if such spouses were not married, and

"(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

"(A) the numerator of which is such spouse's adjusted gross income, and

"(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

"(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.".

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:".

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

"(C) $3,000 in the case of an individual who is not—

"(i) a married individual filing a joint return or a separate return,

"(ii) a surviving spouse, or

"(iii) a head of household, or".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

Mr. LOTT. I now ask unanimous consent that the Senate proceed to the Treasury-Postal Service appropriations conference report and that the conference report be considered as having been read.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the report be read.

The PRESIDING OFFICER. Is there objection to the request?

Mr. REID. Objection.

MOTION TO PROCEED

Mr. LOTT. There is objection. Therefore, I now move to proceed to the conference report.

Several Senators addressed the Chair.

Mr. REID. I ask that the report be read.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Nevada has that right.

The clerk will read the conference report.

The assistant legislative clerk proceeded to read the conference report.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The assistant legislative clerk continued the reading of the conference report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The clerk will proceed.

The assistant legislative clerk continued the reading of the conference report.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I ask unanimous consent that the reading of the conference report be dispensed with.

Mr. GRAHAM. Mr. President, on behalf of Senator REID, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading the report.

The assistant legislative clerk continued the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the further reading of the conference report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. HAGEL). Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the conference report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that further reading of the report be dispensed with.

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order for the U.S. Senate to conduct the people's business, despite the delay and frustration of the other party, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, in order that the Senate might conduct the people's business, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order that the Democrats not put the Senate in a stalemate, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, in order to save a little time, I have ordered some Tinkertoys for the Democrats to play with. I, therefore, ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I again ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object. Protecting the rights of the majority under the rules of the Senate, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, point of parliamentary inquiry.

The PRESIDING OFFICER. Parliamentary inquiry is not in order.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with as it should be.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, in order to conduct the people's business, I again ask unanimous consent that reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, in order to protect the rights of thousands of Federal women, Federal employees who are women, who are denied health care, I object.

Mr. SMITH of New Hampshire. Regular order, Mr. President.

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I ask unanimous consent that this absurdity be brought to an end.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I again ask unanimous consent that reading of the conference report be dispensed with until we conduct the people's business.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS. Mr. President, I congratulate the Senator from Illinois on having brought this absurdity to the floor.

Mr. DURBIN. Mr. President, regular order.

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, I make a point of order that the reading is dilatory and irresponsible and again make a request——

The PRESIDING OFFICER. The point of order is not well taken.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. I make a unanimous consent request that further reading of the conference report be suspended.

Mr. DURBIN. Objection.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Objection.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, I ask that this absurdity be brought to an end so the Senate can conduct its business.

Mr. REID. Is there a question? I didn't understand what he said.

Mr. HELMS. Mr. President, I think the Senator understood. I think we ought to stop this absurdity, and stop it now, and do the people's business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of 1.3 million Federal women who are covered under——

The PRESIDING OFFICER. Objection is heard.

The clerk will report.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. On behalf of the customs and drug enforcement employees in our U.S. Government, I ask unanimous consent that

further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. 3.6 million unintended pregnancies every year, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I renew my request that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the reading of the conference report.

Mr. SMITH of New Hampshire. Mr. President, on behalf of those who favor the Jacksonville, FL, and Orlando, FL, courthouse construction, I ask that further reading—I ask unanimous consent that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, on behalf of those who also favor the Jacksonville and Orlando courthouse construction, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued and concluded the reading of the conference report.

(The text of the conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

The PRESIDING OFFICER. The question now occurs on the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Mr. President, I ask for the yeas and nays on the pending motion.

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 proceed to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—58

Abraham	Ford	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Graham	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Roth
Byrd	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kohl	Thurmond
Domenici	Kyl	Warner
Enzi	Lott	
Faircloth	Lugar	

NAYS—39

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Inouye	Murray
Breaux	Johnson	Reed
Bryan	Kennedy	Reid
Bumpers	Kerrey	Robb
Cleland	Kerry	Rockefeller
Conrad	Landrieu	Sarbanes
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Wyden

NOT VOTING—3

Glenn	Hollings	Wellstone

The motion was agreed to.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

The PRESIDING OFFICER. The distinguished majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, I know there is a lot of interest in trying to determine what the schedule will be for the balance of the day and perhaps even the weekend.

It is obvious because of the feelings of the Senator from Nevada, Senator REID, with regard to the Treasury and Postal Service appropriations conference report, that he does not intend to allow the Senate to have a vote on the conference report itself anytime soon.

Therefore, as we approach the end of this session, we will probably have a vote, if we can get some accommodation here—I think we may—within a couple of hours, on or in relation to the bankruptcy bill. So we should expect another recorded vote in about 2 hours. We will need, hopefully, to get that locked in here in the next few minutes. The main point is we will have one more vote.

Then, other than unanimous consent requests or voice votes, the only votes we would expect for the balance of this year would be on a continuing resolution, if necessary, and the omnibus appropriations bill.

Now, I will need to confer further with Senator DASCHLE. We will certainly keep Members informed as to what the schedule may be. Negotiations are continuing with regard to all of the different issues that are pending on the omnibus appropriations bill. We expect to work this weekend. We hope we will have this completed to possibly vote on Monday. If that is not possible, we will let Members know as soon as some determination is made. For now, we will expect a vote in a couple of hours, and then we would go to the vote on the bankruptcy bill. That would be it as far as recorded votes for tonight.

Mr. DASCHLE. Will the majority leader will yield?

Mr. LOTT. Yes.

Mr. DASCHLE. Mr. President, I have been getting questions about what our intentions are with regard to a new CR. My understanding is that we would be contemplating a CR that would take us at least through Monday.

Mr. LOTT. That's correct. We have discussed that with administration officials this morning. They indicated that they understood it was just a physical problem in terms of getting final agreements and getting paperwork ready, and a short-term CR would be no problem from their viewpoint. I discussed that with you. We anticipate a CR that would take us until Monday at midnight. So there would be no question that we are still working, and there is no threat of a Government shutdown, while we continue to count on our appropriators to do their work, and we hope to get it completed this weekend.

Mr. LEAHY. Will the leader yield for a question?

Mr. LOTT. Yes.

Mr. LEAHY. Mr. President, I tell my friend from Mississippi, we have on the calendar 22 Federal judges pending, plus another 5 or 6 court of claims. Can the distinguished leader give us any advice on what might happen?

Mr. LOTT. I have been working diligently to get some of the more controversial judges done. We did have a couple votes. I was trying to get Paez done today. The time is going to be consumed by reading the Treasury/Postal Service conference report and now the appearance of having to read the Bankruptcy Reform conference report. So that has been pushed aside. I tried to move three nominations last night. It was objected to. We are in the usual last days of the session where everybody is holding this one on the basis of that one. I think where we are is, over the next few days as we make progress, if we can get agreements on some things, then we will probably get agreements on all things. They are all interrelated. We will have to see how that plays out.

Mr. LEAHY. I am prepared to pray and consult with the distinguished leader.

Mr. LOTT. I appreciate that attitude of the Senator from Vermont. He has been very helpful, and he continues to remind me of the need for these judges.

Mr. CRAIG. Will the leader yield for a moment?

Mr. LOTT. Yes.

BIRTHDAY WISHES FOR SENATOR LOTT

Mr. CRAIG. Mr. President, on behalf of all of us here on the floor and all colleagues here in the Senate, we know this is a stressful day. It should actually be a joyful day for Senator LOTT. It is his birthday and we wish him a happy birthday.

[Applause.]

Mr. LOTT. Thank you all very much. It is a joyful day. I resented when Senator DASCHLE came over and told me he was only about 50, reminding me of his youth. Then Senator STROM THURMOND welcomed me into his range of age. I don't know quite what that meant. Actually, in spite of all the things we have working, it has been a great day. Actually, I enjoy every day here and I appreciate the friendship of all of you on both sides of the aisle.

Mr. BUMPERS. Mr. President, not to be the skunk at the lawn party, but that reminds me of a story I feel like I have to share with you. Recently, in the caucus, Senator DASCHLE announced the birthdays of three Senators that would occur in the ensuing week. He named them, and JOHN GLENN was one of them, and I forget the other two. BARBARA MIKULSKI was one. Everybody applauded, and I turned to Senator TORRICELLI and said, "Isn't it strange that we applaud birthdays in this country?" He said, "It is an American anachronism that we applaud the march toward death."

Mr. LOTT. Was that supposed to be humorous?

Mr. DODD. Will the leader yield?

Mr. LOTT. Mr. President, I yield to Senator DODD for a question.

Mr. DODD. Mr. Leader, I don't want to disrupt your birthday, but I have a unanimous-consent request I want to make at an appropriate time, which I suspect the majority will object to. I want to be able to do it before we move on to the next order of business. I don't know the plan here.

Mr. LOTT. If we could complete comments on this, and then you will have an opportunity to do that. You have put me on notice, but let us try to do this.

Mr. BYRD. Will the leader yield to me?

Mr. LOTT. I am delighted to yield to Senator BYRD.

Mr. BYRD. Mr. President, I was listening to the debate going on on the floor and I heard that it was someone's birthday. For those in the galleries who wish to make note of it, I am 29,544 days old today. It is not my birthday, but I am 29,544 days old. I want to congratulate our leader on his birthday.

Mr. LOTT. Thank you, sir.

Mr. BYRD. I say to the leader:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful [October] afternoon, [leader,]
Count your age by friends, not years.

Mr. LOTT. Thank you very much.

[Applause.]

Mr. LOTT. Mr. President, only the distinguished Senator BYRD would be able to come to the floor and have poetry that he could quote on the spur of the moment. I always enjoy his remarks so much. Thank you, Senator BYRD.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LOTT. Mr. President, I yield 5 minutes at this time to the chairman of the subcommittee, Senator CAMPBELL. I thank him for his work on this bill. He has worked very hard. The problems we have were not caused by him, but by difficulties in the House of Representatives. I thank the Senator for the effort that he put into this legislation. We will get it done before the day is done—maybe not this day, but before the day is done.

Mr. CAMPBELL. I thank the majority leader. Whether this bill is pulled down or proceeds is yet to be determined. I would like to make a few comments about the bill. Senator KOHL and I, as well as our staffs, worked very hard on this bill. It seemed like the longer it hung out there the more lightning it drew. I want comment on a few provisions in it.

This report provides funding for the Department of Treasury, the U.S. Postal Service, the Executive Office of the President, and various independent agencies, as our colleagues know.

Although this has not been an easy bill to complete, because of the funding constraints as well as controversial issues, I think we did as good a job as we could, accommodating as many requests as we could from our colleagues. The most difficult issues for the conferees were not about money, but about legislative riders to this appropriations bill. There were some very strong opinions on both sides on these riders and that did end up stalling the bill.

But I am concerned about one article. As I mentioned, during the heat of the debate, there were some strong opinions. I was concerned about an article appearing in the October 7 Hill that implied the Senator from Texas, Senator HUTCHISON, was blocking the bill because it contained language to name a post office building in St. Paul for former Senator Eugene McCarthy. For the RECORD, I want to say that is absolutely not true. At no time, did she ever disagree with this bill, and in fact that language is in the bill. I wanted to make that part of the RECORD.

The ranking member of our subcommittee, Senator KOHL, and I continued to place greater emphasis on treasury law enforcement, which is a central focus of this bill, and tried to ensure that agents and inspectors have the tools to do their job. I certainly appreciate Senator KOHL's support and hard work.

There is much in this conference report that deserves the support of the Senate:

$128 million for the IRS customer service initiative, and to restructure and reform their long overdue operation.

$2 million for low-income taxpayers clinic.

$2.4 million to double the staffing for the cyber-smuggling unit at the Customs Service to stop child pornography, plus an additional $1 million for technology to assist in this effort.

$13 million for grants to state and local law enforcement for gang resistance education and training programs, called GREAT programs—$3 million more than the President actually had requested.

$6 million to allow eligible State and local law enforcement to acquire ballistics identification and comparison computer systems for both bullets and cartridge cases.

There is another $27 million to continue and expand the Youth Crime Gun

Interdiction Initiative to help stop gun trafficking to our youth.

There is $182 million for the high-intensity drug trafficking areas, known as HIDTAs, and $13 million to continue the program to transfer technology to State and local law enforcement.

Courthouse construction projects, as well as repair and alterations of current Federal facilities, were also included.

There is $185 million for a second year of a very successful antidrug youth media campaign that was administered by the drug czar.

All in all, Mr. President, I think it is a good bill. We worked very hard.

I am just here to say I am sorry that some of these rather divisive riders that ended up being on the bill ended up making it so controversial. But the underlying fact of the bill, the mission of the bill, has great intentions. It is a good bill.

I just wanted to again thank Senator KOHL for all of his work on it. I hope we proceed forward with it. I am realistic enough to know that it is in trouble.

With that, I yield the floor, Mr. President.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I agree with much of what my colleague, Senator CAMPBELL, has said about this bill.

It is a good bill. It provides sufficient appropriations for the Department of the Treasury and the independent agencies. But, since this bill left the Senate floor, it changed in ways that made it impossible for me to sign the conference report.

First, the good news. The conference report before us is silent on the issue of staffing the Federal Election Commission. I am very pleased we have decided to avoid a partisan battle on this issue.

Unfortunately, several other changes to the bill were made after the conference—and these make the bill much worse.

First, the Senate bill contained a provision that would have provided for the adjustment of the status of Haitians. This provision, which had bipartisan Senate support, would allow 40,000 Haitian refugees who have been in this country since 1995, to stay permanently. Last year Congress provided this same type of correction for 150,000 Nicaraguans and 5,000 Cubans. The conference report before us drops that provision—despite the fact that it was agreed to by all conferees.

Second, the Senate bill contained a provision that would address the requirements of providing quality child care in Federal facilities. This measure, proposed by Senator JEFFORDS, would simply make sure that Federal child care facilities operate under reasonable quality standards. In addition, it would bring under Federal regulation the child care centers run by Congress—child care centers that operate now completely unregulated by local, state, or Federal law.

The conference report before us drops this provision—which until now was uncontroversial. I find it unacceptable that Congress would use the last minute legislative rush to exempt itself from basic health and safety standards for the children in its care.

And, third, this conference report drops language—adopted by a bipartisan majority in both Houses—that would provide Federal employees with health insurance coverage for contraception. Again it is unacceptable that an extreme minority should be able to prevail on this. Close to half of all pregnancies in the United States are unintended, and tragically, those unintended pregnancies often led to abortion. By providing federal workers with the most appropriate and safe means of contraception, we can reduce the number of abortions performed and increase the number of children who are born wanted, planned for, and loved.

We in the Senate made good decisions when we passed the Treasury-General Government appropriations bill. It is disappointing that so many of those decisions have been overturned in last minute, partisan negotiations.

The White House has promised that they will work with us to get the Haitian fairness, child care and contraception provisions included in the omnibus funding bill. Based on that assurance, and knowing of the many other strong provisions retained in the conference report, I will vote for passage. But I do so with great disappointment at how this bill has been altered in the last few days and great hope that the democratic decisions overturned will be restored in the final omnibus appropriations measure.

One last note, I want to thank the staff members who have worked so tirelessly to bring this bill to the floor. Pat Raymond and Tammy Perrin of Senator CAMPBELL's staff have always been helpful and professional in their dealings with us—their demeanor has allowed us to put this bill together in a truly bipartisan way. Paul Bock, my chief of staff, approached this bill as he does everything: with intelligence and a healthy sense of humor. And my deepest gratitude is for my clerk, Barbara Retzlaff, who has boundless energy, complete mastery of the programs she monitors, and incredible patience—with me and with this year's torturous negotiations. Thank you all.

PUBLIC ACCESS TO GOVERNMENT RESEARCH DATA

Mr. LOTT. Mr. President, I would like to take a moment to thank the Senator from Alabama and the Chairman of the Treasury and General Government Appropriations Subcommittee for their diligent efforts to develop legislation that will provide the public with access to federally funded research data. The Conference Report for the Treasury and General Government Appropriations Act for FY 99 currently before us requires the Director of OMB to amend OMB Circular A–110 to require Federal awarding agencies to ensure that all research results, including underlying research data, funded by the Federal government are made available to the public through the procedures established under the Freedom of Information Act. This provision represents a critical step forward in assuring that the public has access to the research and underlying data used by the Federal government in developing policy and rules.

Mr. CAMPBELL. I thank the Majority Leader and my colleague from Alabama for his leadership on this issue. The gentleman is correct. The language included in the Conference Report will require Federal agencies to make all Federally funded research data available to the public through procedures established by the Freedom of Information Act. The Conferees recognize that this language covers research data not currently covered by the Freedom of Information Act. The provision applies to all Federally funded research data regardless of whether the awarding agency has the data at the time the request is made. If the awarding agency must obtain the data from the recipient of the award, the provision specifically states that the awarding agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data. It is my expectation that the Director of OMB to make the required changes within 90 days of enactment and that awarding agencies to issue new regulations implementing the amended Circular within one year of enactment. As is true with the existing OMB Circular A–110, the amended Circular shall apply to all Federally funded research, regardless of the level of funding or whether the award recipient is also using non-Federal funds. I want to thank my colleague from Alabama for his leadership on this important issue and his efforts to safeguard the public's right to know.

Mr. SHELBY. I thank the Majority Leader and Chairman CAMPBELL for their support. The lack of public access to research data feeds general public mistrust of the government and undermines support for major regulatory programs. This measure was long overdue and it represents a first step in ensuring that the public has access to all studies used by the Federal government to develop Federal policy.

• Ms. MOSELEY-BRAUN. Mr. President, I want to note my disappointment that the permanent relief for Haitian refugees that I and many others in this body have worked to make law has been dropped from the Treasury Appropriations Conference Report.

This effort began last year during debate of the D.C. Appropriations bill, which included language that granted certain Central Americans access to the "suspension of deportation" procedure, but Haitians were not granted this access. And you may recall that while I supported granting relief to the affected class of Central Americans, I, along with several of my colleagues here in the Senate and the House, fought vigorously for additional provisions for Haitian refugees.

Although we were unsuccessful in that effort, we later introduced S. 1504, Haitian Immigrations Fairness Act of 1997, legislation that would provide Haitian refugees permanent residency status. During the course of this year, this legislation was reported favorably out of the Judiciary committee and passed by the Senate as a provision of the Treasury-Postal Appropriations Fiscal Year 1999 bill. Eventually, this language was agreed to by the Conferees on the Treasury-Postal Appropriations bill. Unfortunately, due to last-minute, close-door maneuvering and negotiations, there is no Haitian relief included in the Conference Report that we are voting on today.

This legislation is vitally important to the several thousand Haitian men, women, and children who came here in the wake of the military coup in Haiti that in 1991 toppled the democratically elected government of that country. That coup was followed by a period of military dictatorship in Haiti marked by atrocious human rights abuses, including systematic use of rape and murder as weapons of terror. The International Civilian Mission, which has monitored human rights conditions throughout Haiti, documented this tragedy, including horrors so awful as to be almost imaginable.

To allow such human rights violations to occur so close to home while doing nothing would have been inconsistent with the stated goals of our foreign policy. So in 1991, the U.S. took in persons fleeing Haiti at Guantanamo Bay, Cuba. After intense screening, many of these individuals were paroled into the U.S. to apply affirmatively for asylum. Between the 1991 and May of 1992, over 30,000 Haitians were interviewed. Under one-third of these individuals were paroled into the U.S. to seek asylum.

Around Memorial day in 1992, Bush issued the "Kennebunkport Order," ending the asylum screening process at Guantanamo Bay, an action which became an issue during the 1992 presidential elections. A refugee program began operating in Port-au-Prince. This practice continued until 1994, when President Clinton reinstated a screening process in military hospital ship in Kingston Harbor, Jamaica. Democracy was restored in Haiti in the fall of 1994.

The individuals that I am talking about today are the children, wives, brothers, and sisters of soldiers and activists who stood up for democracy in Haiti. They fled to this country for refuge. They played by our rules. In the time that they've been here, they've built homes, paid taxes, had families in our country. These individuals are owed nothing less than treatment equal to that already provided to the Eastern European and Central European refugees residing in our Nation.

I regret that the Conferees decided at the last moment to strip the Haitian refugee relief provision from the Treasury-Postal Appropriations bill, but I would like to urge Senators LOTT and DASCHLE to consider adding this provision to any omnibus appropriations measures that may be considered in the upcoming days.●

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs. However, I am sad to say, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in another appropriations Conference Report.

Earlier this year, I came to the Senate floor and highlighted the numerous earmarks and set asides contained in the Senate version of this bill. That bill contained $826 million in specifically earmarked pork-barrel spending. That was a $791 million increase over last year's pork-barrel spending total for this bill, which only contained $34.25 million in wasted funds.

While the Senate bill contained an unacceptable amount of pork, this conference report is even worse. It contains $1.5 billion in specially earmarked pork barrel spending. This is almost double the amount of pork which was in the bill. This is a tremendous burden which is patently unfair to the millions hard-working American taxpayers, who does not possess the resources to get a "pet project" placed in their back yard.

The list of projects which received priority billing is quite long and the dollar amounts are staggering. Nevertheless, I will highlight a few of the more egregious violations.

First the conference report instructs the Administrator of General Services to purchase a property adjacent to the new courthouse currently under construction in Scranton, PA, at whatever price she/he determines is appropriate. The language then provides $668 million for repairs, alterations, and construction services. That adds $668 million to the price of acquiring the building. I am not an expert on court house construction, but $668 million in addition to the purchase price seems like a lot of money for a courthouse.

But, the unbridled spending does not stop with the Scranton, PA court house, it continues. The conference report also contains numerous provisions for millions of dollars to construct new court houses in specific locations throughout the U.S. Again, why are these particular sites so deserving of funding, that they receive specific earmarks to fund their construction? Unfortunately, this spending frenzy is not limited to court houses. Somebody in either the House of Representatives, or the Senate has concluded that the World Trade Office in Vermont ($500,000), and the IRS Service Center in Brookhaven, NY ($20 million) are so unique that they should receive specific earmarks.

These are just a few examples of the spending excesses in this report. The list goes on, and on. Mr. President, why are we spending so much on locality specific pork barrel projects? Why are we spending so much on new court house construction? Maybe if we used some of the new court house construction money to combat teen drug use, we would not need to construct so many new court houses. Maybe, we should redirect some of this court house construction money to combating overall drug use, putting more police on our streets, or funding crime prevention programs to prevent people from ever becoming involved in the criminal justice system.

Mr. President, I will not deliberate much longer on the objectionable provisions in the conference report. I simply ask my colleagues to apply fair and reasonable spending principles when appropriating funds to the multitude of priority and necessary programs in our appropriations bills.

As I have said many times in the past, we must remain committed to open and fair consideration of public expenditures. Our objective must always be to further the greatest public good. This must remain the cornerstone of the appropriations process. And, most important, we must remember, responsible spending is the cornerstone of good governance.

Ms. SNOWE. Mr. President, I rise because the Treasury-Postal conferees have bypassed the will of the majority and decided to kill the contraceptive coverage language in the Treasury/Postal bill.

This is an outrage. Our contraceptive language was included in the original legislation passed both in the House and in the Senate, and conferees last week signed off on including the House language in the bill. At the same time, conferees agreed to include the Senate's provision specifically excluding coverage of abortion or abortion-related service, and conferees signed the report, closed out the conference and sent the report to the House for consideration.

The language the House of Representatives passed by a vote of 224 to 198 on July 15, 1998. The Senate language was agreed to by unanimous consent.

It isn't very complicated language. If you take the time to read the two versions, you will see that their intent is the same. The main difference in the two versions is the conscience clause in the Senate bill.

In addition to listing the five plans that OPM identifies as being religious-based, it goes a step further by providing a waiver to future or existing plans that have reason to oppose contraceptive coverage because of their religious beliefs. Also the Senate language clarifies that this provision is not intended to cover abortion—and again I would note that this provision was in the conference report when it was signed the first time.

So last week the conferees accept the language and this week it becomes a "killer provision" that would keep us from passing the Treasury/Postal appropriations bill. Mr. President that fallacious argument is belied by the fact that not one person—not one of the 435 members of the United States House of Representatives—stood up on the House floor when the rule on Treasury-Postal was debated last Thursday night and cited this provision as a reason for opposing the bill. Not one!

Why is this a "killer amendment"?

It can't be because of the cost. CBO won't even score the bill, because they don't score legislation that costs less than a million dollars. And they put the price tag on this language at $500,000.

It can't be about the rights of religious plans, because this language protects the health care plans that OPM identifies as being religious-based.

It can't be about abortion, because it does not cover abortion in any way, shape or form and it says so.

So, why is it a "killer amendment", Mr. President? The answer to that question will remain a mystery, as it is opposed by a few people in a backroom at the expense of 1.2 million American women who are being denied affordable access to a basic health care need—contraception. These opponents lurk in the shadows, unwilling to come out in the daylight and discuss their opposition—and apparently these few make the decisions and they decided on their own that it was coming out. They have made a mockery of the democratic process.

Let's consider the language the House and Senate agreed to. It is very simple—all this language will do is provide women who work for the federal government and the spouses and daughters of federal employees equality in health care and the affordable access to prescription contraception coverage they need and deserve; and it will help reduce the number of unintended pregnancies and abortions in this country.

The provision we are talking about requires plans that participate in the Federal Employees Health Benefits Program (FEHBP) that provide prescription drug coverage to also cover prescription contraceptives. What exactly is wrong with that? Nothing, according to 224 members of the United States House of Representatives.

Today 81 percent of these plans do not cover all five of the most basic and widely used methods of contraception and 10 percent of these plans do not cover any type of contraception at all. Yet all but one of the more than 300 FEHBP plans covers sterilization. Think about that for a moment—we are willing to cover sterilization but not contraceptives. Unbelievable!

Today, the victory may go to those who have lurked in the shadows, but I have something to say to those few. Do not let yourselves believe that you have had the final word on this issue because the women of America will not 'go quietly into that good night' on an issue as basic to their health and well being and that of their family as contraceptive coverage.

It took us 72 years to get the vote and it wasn't until 1978—only 20 years ago—that Congress finally passed legislation requiring health care plans to cover maternity leave. This is not an issue that will go away, Mr. President. You can rest assured that we will be back next year, and the year after that and as many votes and debates as it takes until we win.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 4104, the Conference Agreement on the Treasury and General Government Appropriations Bill for FY 1999.

This bill provides new budget authority of $26.9 billion and new outlays of $23.2 billion to finance the operations of the Department of the Treasury, including the Internal Revenue Service, the U.S. Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Financial Management Service. The bill also finances the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central government functions.

I congratulate the Chairman and Ranking Member for producing a bill that is within the Subcommittee's revised 302(b) allocation. I also commend the Chairman's strong commitment to law enforcement throughout this bill, including support for the Federal Law Enforcement Training Center.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $26.9 billion in BA and $26.0 billion in outlays. The total bill is at the Senate subcommittee's revised 302(b) allocation for nondefense discretionary budget authority and outlays. The subcommittee is also at its Violent Crime Reduction Trust Fund allocation for BA and outlays.

Mr. President, I ask unanimous consent to have printed in the RECORD, a table displaying the Budget Committee scoring of the Conference Agreement on H.R. 4104. I urge my colleagues to support the bill.

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

H.R. 4104, TREASURY-POSTAL APPROPRIATIONS, 1999—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1999; in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
Senate 302(b) allocation:					
Budget authority		13,311	132	13,439	26,882
Outlays		12,429	129	13,439	25,997
1998 level:					
Budget authority		12,649	131	12,713	25,493
Outlays		12,460	123	12,712	25,295
President's request:					
Budget authority		13,495	132	13,439	27,066
Outlays		13,174	86	13,439	26,699
House-passed bill:					
Budget authority		13,209	132	13,439	26,780
Outlays		12,428	129	13,439	25,996
Senate-passed bill:					
Budget authority		13,211	132	13,439	26,782
Outlays		12,068	125	13,439	25,632
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
1998 level:					
Budget authority		662	1	726	1,389
Outlays		−31	6	727	702
President's request:					
Budget authority		−184			−184

H.R. 4104, TREASURY-POSTAL APPROPRIATIONS, 1999—SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 1999; in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Outlays		−745	43		−702
House-passed bill:					
Budget authority		102			102
Outlays		1			1
Senate-passed bill:					
Budget authority		100			100
Outlays		361	4		365

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DODD. Mr. President, I rise today to express my disappointment that a provision in the fiscal year 1999 Treasury, Postal Appropriations Bill relating to contraceptive coverage under the Federal Employee Health Benefits program was dropped in conference.

This provision, authored by Senators HARRY REID and OLYMPIA SNOWE, would have required the Federal Employee Health Benefits plans that cover prescription drugs to treat contraceptives in the same fashion as all other covered drugs. This amendment passed the Senate unanimously. A similar provision, offered by Representative NITA LOWEY, was approved by the House by a vote of 224–198. However, even after the strong, bipartisan show of support by both bodies, this provision was still dropped in conference.

I was a cosponsor of the bipartisan legislation on which this provision was based. Along with a bipartisan group of 25 of my colleagues, I wrote the conferees on this bill asking them to retain this provision in the conference report.

I'd like to think we've come a long way since the early 1960s when birth control was illegal in many states. So it was astonishing to me to learn that in this day and age, many families find their contraceptive choices to be limited by their insurers—because insurers are not required to cover prescriptive contraceptives.

In Connecticut, for example, 62% of insurers don't cover birth control pills and 85% don't cover devices such as IUDs and diaphragms. At the same time, almost all of these policies cover sterilization. And of the 68,000 pregnancies each year in our state, more than 14,000 are unplanned.

Under far too many health plans, women are offered the unconscionable "choice" of getting help in paying for an unplanned pregnancy, an abortion, or sterilization—but not for birth control.

Is this the best choice we can offer to families trying to act responsibly, wanting to bring children into the world when they can be supported and cared for?

Many of us agree that contraception, and improved access to contraception, is a simple, cost-effective way to lower the staggering rate of unintended pregnancies in the United States.

I am very disappointed that this provision has been dropped from the fiscal year 1999 Treasury, Postal Appropriations Bill and the federal government lost an opportunity to be a leader on this critical issue.

Mr. THOMPSON. Mr. President, I am pleased that we passed a regulatory accounting provision in the Treasury and General Government Appropriations bill. I appreciate that the conferees retained the provision I introduced to the Senate bill. I believe that this legislation will help promote the public's right to know about the benefits and costs of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our government. This amendment aims to provide better information on the performance of regulatory programs. This information should help us assess what benefits our regulatory system is delivering, at what costs, and help us understand what need to do to improve it.

The American people deserve better results from the vast time and resources spent on regulation—$700 billion per year, or $7,000 for the average American household by some estimates. By regulating smarter, we could have a cleaner environment, safer workplaces, quality products, and a higher standard of living at the same time. As the Office of Management and Budget stated in its first Report to Congress on the Costs and Benefits of Federal Regulations in 1997:

> [R]egulations (like other instruments of government policy) have enormous potential for both good and harm. . . . The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

I am pleased that there is broad support for this amendment, particularly from Majority Leader LOTT and Senators BREAUX, ROBB, and SHELBY, who cosponsored it. There is a broad bipartisan coalition in the House that supported this provision. And it continues the efforts of my precedessors. Senator TED STEVENS first passed a regulatory accounting amendment in 1996 when he was the Chairman of the Governmental Affairs Committee. Regulatory accounting also was a part of a regulatory reform bill that unanimously passed out of committee in 1995 when BILL ROTH chaired Governmental Affairs.

I added several new requirements to the Stevens amendment to improve the credibility and usefulness of the report. First, OMB is required to arrange for peer review of its draft report and draft guidelines. The peer review must be conducted by an organization independent and external from the government, with expertise in regulatory analysis and regulatory accounting. It is critical that the peer review be performed by experts who will critique the draft based on the state of the art—not by a partisan interest group. Last year, the American Enterprise Institute and the Brookings Institution sponsored a conference on OMB's first regulatory accounting report. A distinguished group of independent economists unanimously agreed that OMB had fallen short in many respects. That is the kind of constructive peer review we need.

Second, OMB must take a more active role in ensuring the quality and credibility of information used in the report. OMB must issue guidelines to the agencies to standardize plausible measures of costs and benefits and the format of regulatory accounting statements. Third, OMB must provide more detailed information on the incremental costs and benefits of regulation, broken down by agency and by agency program. Thus far, OMB has failed to provide that information, despite repeated statements in legislative history and in correspondence to OMB. A great deal more information on the incremental costs and benefits of agency programs can be assembled by OMB, especially for programs run by big agencies such as EPA, DOT, OSHA, FDA and the Department of Labor. Fourth, OMB must count the paperwork burden. A 1995 report of the U.S. Small Business Administration, entitled The Changing Burden of Regulation, Paperwork, and Tax Compliance, estimated the process costs of regulation at $229 billion for 1998. Clearly, this must be accounted for. Finally, OMB must assess the direct and indirect impact of Federal regulation on small business; State, local and tribal government; wages; and economic growth. This provision addresses several important concerns. Regulation can have a disparate impact on small businesses. The 1995 SBA report found that, for companies with under 20 workers, regulation costs $5,500 per worker each year—far higher than the per worker cost for large companies.

Many regulations also impose unfunded mandates on State, local and tribal government. Unfunded mandates are putting a severe strain on these governments, forcing them to raise taxes, reduce essential services, or even face bankruptcy. Finally, the public has a right to know that there is no free lunch. Regulation can reduce productivity, wages and economic growth. In the end, the public pays for regulatory programs through higher prices and taxes, reduced government services, and squandered opportunities to do better.

It is time for the Government to come to grips with the good, the bad, and the ugly about regulation so we can design a smarter, more cost-effective regulatory process.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

HMOS

Mr. DODD. Mr. President, I just want to inquire. I see the majority leader.

Before we go to the reading of the bill, I had mentioned to the majority leader earlier that I was going to propound a unanimous consent request on behalf of myself and Senator REID of Nevada.

Very briefly—I will just take 30 seconds—this unanimous consent request will be the discharge of the Finance Committee and then to proceed immediately to a piece of legislation I introduced that would propose a moratorium on HMOs terminating any of their patients between now and over the next 4 or 5 months while we are out of session.

I realize that there will be objection probably filed to this, or expressed on this.

We have seen 400,000 people in the last number of months who have lost their HMOs—12,000 in my State over the last 3 weeks. When we are out of session, I am concerned that more of these people are going to be dropped.

So for those reasons, Mr. President, I ask unanimous consent that the Finance Committee, on behalf of myself and Senator REID, be discharged from consideration of S. 2562 and the Senate then proceed to its immediate consideration.

Mr. LOTT. Mr. President, reserving the right to object, I appreciate the notification that the Senator was going to make this request.

We have not had a chance to look at this legislation. I know there is interest in this area. I think next year we are going to have to do some work on it, and maybe we will even have some legislation in this area. But in view of the hour and the fact that we haven't had a chance really to review it, and the committee hasn't had a chance to act on it, I object at this time.

Mr. DODD. Mr. President, if I may, very briefly, I will not take the time now, but before we adjourn, I would like to make some additional comments on this.

My State and 21 other States are adversely affected. But I can only hope that there will not be more people asked to leave or pull out of these markets and cause the kind of disruption that these people feel.

I will reserve time later to discuss it. But I thank the majority leader for his consideration and regret deeply that we cannot bring this bill up.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had a conversation with the distinguished Senator from Illinois with regard to his concerns on the bankruptcy reform package as it now exists. He agrees and we agree that there is no necessity for this to be read over a period of 5 or 6 hours. So I think we have something worked out that we will be comfortable with and others will be comfortable with to allow us to assure Members what time the next vote will be, and we can do some business in the interim and have speeches made on this or other issues in the meantime.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to the conference report to accompany H.R. 3150 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 6 p.m. this evening the vote on this motion take place. And between now and then, of course, we have other business we can do. Senator DURBIN may want to make some remarks during that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

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

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

HONORING DAN COATS

Mr. LUGAR. Mr. President, I would like to take this opportunity before the 105th Congress adjourns to honor our distinguished colleague and my friend, DAN COATS, who will be returning to private life at the end of this Congress.

For the past 10 years it has been my privilege to join with Senator COATS in serving the people of Indiana. During that time, he has epitomized strong character and devotion to public service.

Senator COATS has been a determined advocate for his point of view, but also a good listener who has often forged compromises that benefited our Nation. He has been a work horse able to shoulder the daily burdens of a thousand details, but also a thoughtful observer who sees beyond the politics of the moment to provide perspective on the direction of our country. And he has been an effective defender of the interests of Indiana, while always upholding his national responsibilities.

DAN COATS has applied his expertise and commitment to many of the most critical areas of public policy. He has become one of our foremost advocates for protecting America's children and strengthening American families. His knowledge of military issues and his leadership on the Armed Forces Committee will be difficult to replace.

Of particular note is his Project for American Renewal, because it speaks to both DAN's personal convictions and his legislative innovation. With this project—a set of 19 legislative proposals—he has succeeded in articulating a coherent philosophy of compassionate conservatism.

Senator COATS understands that the limits of government do not limit our responsibilities to each other as citizens of a great nation. His project promotes volunteerism, charitable giving, personal responsibility, and the cohesiveness of communities. His proposal embodies both Senator COAT's insightful reading of modern American social conditions and his optimism for our future. I know that Senator COATS will continue to be an eloquent spokesman for the Project for American Renewal as he returns to private life.

I am especially sad to see Senator COATS leave because he has been an outstanding partner. Ever since he arrived in the Senate in 1989, he and I have operated a unique joint office arrangement in Indiana designed to maximize our efforts on behalf of Hoosiers. By combining our resources, we have been able to provide better service at less expense to the citizens of Indiana.

Many Senate colleagues over the years have been surprised when they learn that we share office space and staffs in Indiana. They understand the daunting challenges of combining the staffs of two independent-minded Senators with distinct responsibilities and committee assignments. But our Hoosier partnership has been strong and supportive, for which I am deeply appreciative.

Senator COATS leaves the Senate after 10 years having established a legion of friendships and a legacy of achievement and integrity. The Senate will miss his expertise, his hard work, his thoughtful reflection, and his talent for innovation. I am confident that DAN will continue to serve the public in the many challenges that lie ahead of him. I wish DAN and Marcia Coats all the best as they move on to these new adventures.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to compliment the distinguished senior Senator from Indiana for his parting words about our colleague. I agree with him. It will come as no surprise that there are those on this side of the aisle, like myself, who also will miss DAN COATS and who are most impressed by the way that he and his distinguished colleague work together.

SENATOR JOHN GLENN

Mr. LEAHY. Mr. President, it is a time when Senators say goodbye to Senators who are leaving, and I was privileged, in 1974, to be elected with a very special class of Senators, a very large class of Senators—nearly a dozen—who came to this body. We developed personal friendships. Of that class, there are only four left: The distinguished senior Senator from Ohio, Mr. GLENN; the distinguished senior Senator from Kentucky, Mr. FORD; the distinguished senior Senator from Arkansas, Mr. BUMPERS; and myself. Each of the other three have announced their plans to retire this year. In some ways I feel like the lonely person who is given the chore to turn out the lights after everybody else leaves, because I will be the last of the class of 1974.

I am going to speak of each of them, but I wish to speak now and to give tribute to a great statesman, a person who is recognized as a true American hero and a very good friend of mine, JOHN HERSHEL GLENN, Jr.

As I said, we both arrived in the Senate at the same time in 1974. There was a big difference, however. I came here as a 34-year-old unknown county prosecutor from rural Vermont. JOHN GLENN arrived here as a living American legend. We have served together now for 24 years and it is with the fondest memories that I recollect his time here. I remember the very first day I met him. The two of us had gone over to see the legendary Jim Eastland, President pro tempore of the Senate. That is probably the only time, then or since, I have ever seen JOHN GLENN look at all nervous, was going in to see Senator Eastland. Senator GLENN was nervous. I was terrified. There is a big difference.

But JOHN GLENN will be remembered here in the Senate as a man who advocated a role for Government in daily life, but he never stopped trying to make Government more efficient. He is one of our leading experts on science and technology. He has always been a tireless advocate for Government-sponsored scientific and health research. He brought tremendous intellect and dedication to the task of preventing the spread of weapons of mass destruction. I remember when the United States and the Soviet Union were locked in a wasteful nuclear arms race, JOHN GLENN was a voice of reason and moderation.

He has used his seat on the Armed Services Committee to advocate for our men and women in uniform, while at the same time looking out for wasteful spending. I remember, when I and others began to have doubts about the costly B-2 bomber—$2 billion a plane—that I read papers and memos about it. JOHN GLENN went out and flew it, then came back and said its cost outweighed its benefits. I credit him for saving the taxpayers a lot of money.

He used his position in the Governmental Affairs Committee to expose waste in Government and to clean up the Nation's nuclear materials production plants.

In his conduct here in the Senate, JOHN has always been nonpartisan, polite, accommodating, but always true to his beliefs. His personality reminds me of Longfellow's words, "A tender heart; a will inflexible."

It is hard for us to think of JOHN GLENN before he was a national hero, but not so long ago he was a smalltown boy like many of us. He was born on July 18, 1921, in Cambridge, OH. He grew up in the tiny town of New Concord, OH. But, like millions of Americans, his life was forever changed by World War II.

Many of us know the details of what makes JOHN GLENN a hero, but I want to repeat them for my colleagues. Shortly after Pearl Harbor, he was commissioned in the Marines Corps. He served as a fighter pilot in the South Pacific. He stayed in the Marines, and when the Korean War started, JOHN GLENN requested combat duty. He ended up flying 149 combat missions in both wars. How good a pilot is our colleague from Ohio? In the last 9 days of fighting in Korea, he downed three Chinese MiG fighters in combat along the Yalu River.

In July 1957, he set a speed record from Los Angeles to New York, the first transcontinental flight to average supersonic speed.

An avid pilot to this day, JOHN has over 9,000 hours of flight time in a variety of aircraft. To put that statistic in perspective, to equal that mark you would have to fly 8 hours a day, every day of the year, for 3 years.

Probably the flight that I remember the best, the one I enjoyed as much as any, was when JOHN GLENN and I flew to the northeast kingdom of Vermont in a small float plane at the height of glorious fall foliage. JOHN and Annie Glenn were staying with Marcelle and I at our farm in Middlesex, VT. JOHN had borrowed the plane from a friend of mine in Vermont. We flew up and set down in one of those little Vermont ponds with the fall foliage around it. There happened to be a trapper's convention there. Some of the people there were calling him Colonel GLENN, not Senator GLENN. They kind of put up with me being there, but he was the hero.

Of course I do remember also the look on JOHN and Marcelle's and Annie's faces when we landed in Montpelier Airport in a heavy crosswind. JOHN turned to me after he taxied up and said, "You know, I have never been so frightened landing anything in my life," which almost stopped my heart to hear him tell it. But when we got out of the plane, JOHN was wearing—this is accurate now—a skunk-skin cap which the trappers had given him.

He stepped out of the airplane with me shaking and quivering behind him. Annie turned to Marcelle and says, "Marcelle, I told you we never should have let those boys go off by themselves."

We all know what happened in a far more dramatic time when JOHN strapped himself into a tiny capsule on top a gigantic tube of volatile fuel on February 20, 1962. When he landed 4 hours 55 minutes later, JOHN GLENN not only became the first American to orbit the Earth, but he boosted the psyche of our Nation in a way not seen equaled before or since.

Cicero said a man of courage is also full of faith. It should be said that JOHN GLENN is a man who puts all his faith in God.

All his accomplishments here in the Senate, in the cockpit, in the capsule, all pale before the one true constant in JOHN GLENN's life, and that is the love he shares with his beautiful wife Annie. They are truly a couple for the ages and role models for all of us. Married for 55 years, they have two wonderful children, John David and Carolyn Ann, whom we all know as Lyn.

When the space shuttle *Discovery* surges into space later this month, the cabin will be cramped with the seven astronauts aboard. But sitting with JOHN in spirit, as she has for so many years, will be Annie. They are truly inseparable. No matter how fast or far he travels, she is always with him.

Mr. President, later this month the eyes of the Nation and the world will focus on Cape Canaveral, FL. We will watch as a marvelous machine, built by Americans, flown by an international crew, roars into the heavens in the name of science, and on board will be our colleague from Ohio, a great Senator, an expert pilot and extraordinary American hero, my friend, JOHN

GLENN. I intend to be there to cheer him on.

Once again, as he has done in so many ways over the years, JOHN GLENN will make us turn our eyes toward the heavens, and like all who will be there, I will say, "Godspeed, JOHN GLENN, and thank you."

Mr. President, I ask unanimous consent that an article from Roll Call about Senator GLENN be printed in the RECORD.

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

[From Roll Call, Oct. 5, 1998]

GLENN COUNTS DOWN TO LAUNCH WITH COMPLETE SUPPORT FROM WIFE AND COLLEAGUES—SENATOR SET TO REPEAT HISTORY

(By Ed Henry)

He's survived 149 combat missions as a Marine, orbited the Earth three times at 17,544 miles per hour as an astronaut and endured 24 years of partisan battles as a Senator.

But John Glenn says that one of the toughest missions of his life came as a husband: convincing his wife, Annie, that it was a good idea for him to be shot into space again at the end of this month.

"Let's say she was a little cool with this whole idea to begin with—that's the understatement," Glenn said in an interview about the Oct. 29 space mission. "She didn't react too kindly when I first started talking about this some time ago."

The 77-year-old Ohio Democrat said that while the couple's two children were not excited about the Discovery launch either, "Annie was the main one to convince."

Slipping into the lingo of an old Marine, Glenn noted that based on all of the dangers he's already faced, he could have gotten "bagged" long ago.

"There were lots of times that things could have gone a little bit different way, but they didn't," he said. "But I think all my life, I guess, you don't look back and think what might have been or where you might have gotten bagged or whatever. You look forward. There are risks in everything you do."

Sen. Patrick Leahy (D-Vt.), one of the couple's closest friends, said Annie was "apprehensive" about the fact that her husband was heading into space so close to his retirement from the Senate.

"She had some reluctance because he was coming to a time in his life when they were going to have more time together," said Leahy. "They are an extraordinarily close couple—they're sort of the role model for all of us in our own marriages."

Nobody underestimates the strength of Annie Glenn, who toughed her way through her husband's Feb. 20, 1962, Mercury mission, when he flirted with death in the 36-cubic-foot Friendship 7. She also had the guts to stand up to then-Vice President Lyndon Johnson by refusing to let him come into her home for a photo-op, out of fear for how her stutter would look in front of Johnson and so many network TV correspondents.

She was sitting up in the House gallery on that day in 1962 when Glenn jubilantly told a joint session of Congress, "I want you to meet my wife, Annie * * * Annie * * * the rock!"

And Glenn was there for Annie, Leahy recalled, when she conquered her stuttering problem 20 years ago. "We don't think of them as John or Annie," he said. "We think of them as JohnandAnnie—it's just one word."

In finally deciding to hop aboard for this mission, Annie thought back to a vow her husband had made on the day they wed 55 years ago.

"One thing that she's reminded me of is that on our wedding day, along with the vows, one of the things I told her that day or that night sometime was that I would pledge to her I would try to do everything I could to keep life from ever being boring," said the Senator.

Then he added with a laugh, "And she's reminded me of that several times in the past, and this time, too, that she'd just as soon have things be a little bit more boring."

Since critics have said the upcoming nine-day mission is merely a joy ride, Glenn has done his homework. With great specificity, he can recount how the research about how a senior citizen is affected in space will do a great deal for the 34 million seniors in America.

"She gradually over a period of time became an enthusiast for this," he said. "She's changed her view on this, as has my whole family, so she's excited about it."

Sen Dale Bumpers (D-Ark.) said he spoke to Annie last week and she revealed that NASA will be providing a laptop so she can communicate with her husband in space.

"I said, 'Annie, aren't you apprehensive at all about this flight?'" recalled Bumpers. "'She said, 'I'm never apprehensive about anything John really wants to do.'"

Annie Glenn will not be the only person close to the Senator lending her support at Cape Canaveral. A bipartisan delegation of Senators will be heading down to Florida on an official CODEL authorized by Majority Leader Trent Lott (R-Miss.) and Minority Leader Tom Daschle (D-S.D.).

Daschle plans to be there for the launch, even though he faces re-election back in South Dakota less than a week later. Because Lott has a scheduling conflict, he will be sending Senate Appropriations Chairman Ted Stevens (R-Alaska)—who helped come up with the idea of a trip—to lead the Republican side.

"Senators have a way of coming together when another is involved," Lott said in an interview.

The office of Senate Sergeant-at-Arms Greg Casey, who is organizing the trip, does not have a complete list of Senators attending yet. The trip will originate from Andrews Air Force Base on the morning of the launch.

"We have a lot of interest from Senators," said Secretary of the Senate Gary Sisco, who will also attend.

Glenn said that while colleagues have not discussed the launch with him, he's heard whispers about it and feels gratified.

"It's a good feeling to know that there are going to be people there that you have worked with all these years—that they think enough about it to be down there," he said.

Another person who was supposed to be at the Cape was Alan Shepard, his onetime rival in the Mercury program, who recently died. Glenn admits that Shepard's death reminded him of his own mortality, but the Senator insists he's not worried about his safety.

"I've always been very aware of my own mortality anyway," said Glenn. "I got over that teenage immortality bit a long time ago."

Glenn suggested he is at peace with his decision. "I have a deep religious faith and I have all my life," he said. "I don't believe in calling on your religion like a fire engine, you know, 'Oh God, get me out of this mess I've gotten myself into and I'll be so good even you won't believe it.'"

He added, "But I think . . . we should all live so that if something like that happens to us it won't be a big shock. It's a shock. It would be a shock, of course. Nothing can be 100 percent safe. Everyone knows that. But I think the safety record NASA has had through the manned space program has been absolutely amazing."

Besides his combat missions in Korea and World War II, Glenn faced danger in 1962.

"Some of the ophthalmologists predicted your eyes might change shape," he said. "It was serious enough that if you look at the Friendship 7 over there in the Air and Space Museum now, up on top of the instrument panel there's still a little eye chart that I was to read every 20 minutes to see if my eyes were changing."

When asked why he took such risks, without so much as a blink Glenn responds, "I thought it was valuable for the country."

Colleagues say it is this modesty—as well as Glenn's relationship with his wife—that they will remember most.

"He's one of my favorite people in the whole world because he wears his heroism with such extraordinary modesty," said Sen. Carl Levin (D-Mich.).

Senators like 51-year-old Tim Johnson (D-S.D.) seem awed by getting the chance to serve with Glenn.

"It's like serving with a legend," said Johnson. "The fact that I served with John Glenn is something I'll tell my grandkids."

As a young Navy pilot, Sen. John McCain (R-Ariz.) revered Glenn and says the upcoming mission will remind everyone of that.

"I know it will just affirm in people's minds that we're privileged to have known a great American hero," he said. "I am honored to be in his company. I am serious. I am honored to be in his company."

Sen. Richard Bryan (D-Nev.) said he will try to be in Florida, partially because of a simple expression of love he saw when Bonnie Bryan and Annie Glenn recently traveled together to Saudi Arabia. From across the globe, Mrs. Glenn placed a phone call to her husband in the Senate cloakroom.

Bryan recalled, "He was very excited and came up to me and said, 'I've got Annie on the line, would you like to talk to Bonnie?' John and Annie have this very special relationship—you can sense that."

Leahy recalled riding in the back seat one time as the Glenns kept teasing and poking fun at one another in front seat.

"The two of them are like a pair of teenagers," he said.

But a much sadder occasion reminded Leahy of his affection for the couple. When Leahy's mother died last year, he found out that the Glenns had been trying to lift her spirits during her illness.

"One of the things I found on her bed stand was a handwritten note from John and Annie," said Leahy. "They both had written a couple of paragraphs in the letter. These are very special people."

For Glenn, his frequent trips to Houston for training seem to have been a sort of fountain of youth.

Every time Glenn returns from Houston, said Sen. Richard Lugar (R-Ind.), he's been updated about the status of the mission. "It's wonderful to see someone so engaged and lit up with enthusiasm," he said.

It has also reminded Glenn about the differences between his two careers.

"Here of course, the political lines are drawn and you have confrontation and you have to put everything through a political sieve to know what's real and what isn't in people's minds," he said.

"Back when I was in the Mercury program or in the program down there now, it's such a pleasure to work in that program because everything is so focused on one objective that everybody's agreed on."

The similarities between the two jobs, he concluded, are limited.

"Both fields take a lot of dedication to accomplish anything. That would be a big similarity, dedication to country and dedication to what you're doing. But that's about where the similarities end."

Mr. LEAHY. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Iowa.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

MOTION TO PROCEED

The Senate resumed consideration of the motion to proceed to the conference report.

Mr. GRASSLEY. Mr. President, the business before the Senate is the motion to proceed on the bankruptcy conference report.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. Mr. President, as we take up the conference report to the bankruptcy bill, I want to make clear that this report is a balanced and fair compromise between the House and Senate bankruptcy bills. The fact of the matter is that the process of a conference is a process of joining two bills that have passed both Houses in different forms.

One of the key differences between the House and Senate was the question of means testing. The House had a very strict formula, while the Senate bill contained a change to a section of the bankruptcy code which directs judges to consider repayment capacity.

On this point of means testing, the House had one provision formula driven, very much different from the Senate provision that was more subjective in the decision of a judge of whether somebody should be in chapter 7 or chapter 13. But, obviously, even in the Senate bill, we had penalties and incentives for people who should be filing under chapter 13 but, in fact, filed under chapter 7. We had these differences on means testing between the House and the Senate.

Under the conference report that is now before us, a debtor can file in any chapter of the bankruptcy code, and before a debtor can be transferred from chapter 7 to chapter 13, a judge will review the merits of each case.

Mr. President, I think this is important to understand because we provide that every single person who wants their day in court with due process will get it, because under the conference report, each debtor will receive an individual hearing and get a chance to press his or her own case. In other words, the conference report maintains the judicial scrutiny that I think was the distinguishing factor of the Senate bill's means test. Of course, we have a flexible means test before us today that is a product of the conference compromise.

When the Senate considered my bankruptcy reform bill, I spoke at length about the need for reform, and I would like to restate those points as we go to final consideration, after this conference report was overwhelmingly passed by the House of Representatives just a few hours ago.

The need for this bill is based upon the statistics of bankruptcy, and those statistics speak for themselves. The number of bankruptcy filings has skyrocketed in recent years. In 1994, the total number of nonbusiness filings was just over 780,000, probably thought to be too much at that time, and maybe the number was too high at that time. But in 1996, this figure jumped to 1.1 million, and, astonishingly, the 1997 figure was almost 1.35 million. Of course, the trend is continuing.

There is no letup in the dramatic increase in the number of personal bankruptcies being filed even this very day in this country, because filings for the first quarter of 1998 are over 20,000 higher than for the same time last year. They are almost 90,000 ahead of the first quarter of 1996. Unfortunately, the future looks even bleaker. A study released just a few days ago predicted that the number of personal bankruptcies will exceed 2.2 million by the year 2001.

If there is any better reason or rationale for the adoption of this conference report by this body before we go home for recess, it is that the high number of personal bankruptcy filings is continuing to shoot up at a tremendous rate, unjustified for the economic conditions we are in. We think 1.4 million is too high. In 3 years—in 2½ years—they will be well over 2 million if we don't do something about it, and I think this legislation will do something about it.

The interesting and alarming thing is that this unprecedented increase in the filings for bankruptcy comes at a time when our economy is very, very healthy. Disposable income is up, unemployment is very low, and the interest rates are very low.

Here is something that just does not make sense, then. Common sense and basic economics would say that when times are as good as they are now—almost the longest peacetime recovery this country has ever had—when the economy is flourishing, that bankruptcies should not shoot up as well; that is, unless there is something wrong. And there is something wrong.

The bankruptcy code is flawed. There is need for reform. There is not any shame connected with bankruptcy anymore. There is lack of personal responsibility. There is lack of corporate responsibility, as well as credit card companies are pushing credit cards into mailboxes every day. And the bankruptcy bar is not adequately counseling people as to whether or not they should even be in bankruptcy, let alone discouraging them from being in chapter 7 when they should be in chapter 13. But with all of these put together, Mr. President, in my view, the main problem in our bankruptcy law, quite simply, is that current law discourages personal responsibility.

Let me start out by saying that most people who declare bankruptcy because of their low incomes, their inability to pay, probably are correct in doing so. When I say that, that does not counteract what I just said about assuming personal responsibility or not having some shame connected with bankruptcy. But as far as our present law is concerned, and their ability to repay, I would have to say that that is probably where they should be.

But that does not mean that we do not have a responsibility through our society and through the standards set by our Government to do something about the fact that so many people are in bankruptcy in the first place. We will have to deal with that sometime other than in this legislation, because this legislation is dealing with the fact that those who have the ability to repay ought to not get off scot-free. But if you do not have the ability to repay, then, of course, that is another consideration. You have to deal with that in some ways differently than what we do in this legislation.

Estimates vary, but about 80 percent of the people who declare bankruptcy are in desperate straits. And then under the principle that we have had for the last 100 years in our bankruptcy laws, particularly if this is in situations beyond their control—like natural disaster, death, divorce, medical problems—then they may need to get a fresh start.

The problem is, Mr. President, as I have already hinted, some people use bankruptcy as a financial planning tool. They do it to get out of paying off debts which they could pay off. And that is what is pushing the desire for bankruptcy reform. We have a bankruptcy system that lets higher-income people write off their debts with no questions asked and no real way for creditors to prevent this from happening. And this legislation deals with that unjust situation—unjust for creditors, unjust for consumers, because consumers pay it, and too just for people who have the ability to repay.

As I said so often last year, we had a record number of Americans filing for bankruptcy. Of course each bankruptcy case means that someone who extended credit in good faith will not get paid. While estimates differ as to the exact number, American businesses are losing about $40 billion a year as a result of consumer bankruptcy.

You might say, well, big banks and big businesses are in somewhat of a stronger position since they can offset these losses by increasing the amount that they charge other customers. That is an important point, Mr. President. Under the best of circumstances, where a big business can stay afloat in the face of large losses due to bankruptcies, then it is simple: Honest customers pay the price because there is no free lunch. This is like a hidden tax—a hidden bankruptcy tax—which consumers pay, people who play by the rules pay. Because, as businesses end up writing off their debts in bankruptcy, the consumers make it up.

So my legislation would reduce this tax by requiring those consumers who can afford to pay, who have the capacity to make good on their debts, or even some portion thereof, to do so. But that is the situation with big businesses that can pass it on. They can survive in the face of huge bankruptcy losses. They stay in business. They get consumers coming to their door. The consumers pay. But there are a lot of small business people who have to close their doors because maybe they cannot afford to absorb the loss of so much income and consequently do not have the ability to pass it on to their consumers. The Bankruptcy Reform Act limits complete debt relief to only those who cannot repay their debts. Those who can repay their debts are required to do that. And of course, that is common sense.

That is one important aspect of the legislation, the means testing provisions of it. There was a compromise between the House and the Senate. The House had that very strict formula that decided whether a person was in bankruptcy 13 or bankruptcy 7. We had a subjective judgment with encouragement for people to be in chapter 13 and penalties to those who went into 7 when they had the ability to repay and should have been in 13. But it was very subjective, and it took motions by creditors. It took action by trustees to bring that about, and it took penalties against lawyers who were not properly counseling the debtor. So we joined these together to have the bright line of the House version of who should be in chapter 13, but we also make sure that every debtor gets their day in court with due process to make sure they have been treated fairly.

So we move on to another hot-button issue. On this issue the Senate prevailed. The conference report still provides that child support obligations must be paid during any bankruptcy proceeding.

You can see here in this chart, under the conference report, child support and alimony receive first priority. Child support must be paid in full before debt forgiveness. You can see across here, under current law child support/alimony is seventh in priority. We move that to first in priority. You can see that under present law there is no requirement to pay child support before debt forgiveness in chapter 13. Child support must be paid in full before debt forgiveness. Under the conference report, bankruptcy trumps wage garnishment for child support. Under the conference report, bankruptcy does not trump wage garnishment for child support. And lastly, and added to child support, collections are exempt from automatic stay.

The reason that it is important to put child support claimants at the top of the list during bankruptcy proceedings is that most bankrupts do not have enough money to pay all creditors in full. So somebody is not going to be paid. This bill makes it more certain that child support will be paid in full before other creditors can collect a penny. That is real progress in making sure that children and former spouses are treated fairly.

I know this was very much a concern of many members of the Judiciary Committee, including my distinguished ranking member, Senator DURBIN of Illinois, and other members of the committee. I know it is very much a concern of people at the White House. I hope, first of all, that they understand there was no intent of changing this in the original legislation, but I guess it is the way combinations can work, that there was some suspect that this could happen, but I hope that we make it very, very clear that families and children and spouses are first. We have moved it from seventh to first.

Also, the conference report provides that someone owed child support can enforce their obligations even against the exempt property of a bankrupt. This means that wealthy bankrupts can't hide their assets in expensive homes or in pension funds as a way of stiffing their children or their ex-spouses. This is another example of how this legislation will help—not hurt—child support claimants. And rightly so.

This conference report states that debtors receiving child support don't have to count that income when calculating a repayable schedule.

Outside the bankruptcy context, when there are delinquent child or spousal support obligations, State government agencies often step in and try to help collect that child support. The conference report exempts these collection efforts from the automatic stay. The automatic stay is a court injunction which automatically arises when anyone declares bankruptcy, and it prevents creditors from collecting on their debts.

Now, if this legislation were to pass, State agencies would be in a much better position to collect past due child support. In practical terms, that means that State government agencies attempting to collect child support can garnish wages and suspend driver's licenses and professional licenses—plenty of incentive for people to get on the stick and keep their social obligations to the families they have been a part of, benefited from, and to the children that they ought to love in the first place.

Clearly, this will help State governments in catching deadbeats who want to use the bankruptcy system to get out of paying child support. In fact, the district attorneys who actually collect child support strongly support this conference report. So any argument that this conference report is bad for child support is empty political rhetoric.

If I could go to another chart, the conference report also maintains tough fines against creditors who misuse their new powers to harass or intimidate honest consumers, rather than to stop abuses. I think the chart shows what we are doing. I can tell you that this was a very key feature of the Senate bill. Whenever we give creditors a new tool, we also give debtors a new shield to rein in potential creditor abuses. If it is wrong for a debtor to avoid personal responsibility, it is wrong for creditors to misuse the bankruptcy code in an unethical way, as well.

I think it is amazing that we hear from our Democratic friends that we should oppose this conference report, as I think we will, because we limit the ability of unscrupulous trial lawyers to bring class actions against the bankruptcy code. Now, I think that is a very telling point. It seems that those who oppose this bill do not really oppose it because they are worried about consumers. They might oppose it because they want to help trial lawyers clean their pockets. I hope my colleagues will keep this in mind as we consider this conference report.

There is another example of how the conference report gives debtors important new tools to defer, to deter and punish abusive creditor conduct. In the last few years, there have been a number of reports about creditors coercing debtors into agreeing to paying their debts even though the debt could be wiped away in bankruptcy. The bankruptcy code allows debtors to reaffirm debts if they choose to do so voluntarily. The problem is that some companies have been threatening consumers in order to force reaffirmation. The conference report gives every debtor the right to a hearing before a bankruptcy judge who will review the agreement to make sure that there has been no coercion. This is a crucially important change to protect consumers.

I want to make one last point in regard to this chart. We have "truth in advertising" requirements for bankruptcy lawyers. It seems to me this is very, very important. In the original debate on this bill before it went to

conference, 2 or 3 weeks ago, the point was made that some lawyers with the bankruptcy mills were advising people through advertising that they had the ability to avoid paying alimony and other things. "Truth in advertising" is very important in any business. It is just as important in the legal profession.

Debtors get new rights to court hearings to stop unfair debt collection practices.

It promotes out-of-court settlements by punishing creditors who refuse to negotiate. We think there ought to be the willingness and the obligation, when somebody who is greatly in debt and wants to work something out without going through the costly and adversarial environment of the court, they ought to be able to. That incentive is in here.

And it requires credit card companies to point out the dangers of making only the minimum payments.

Finally, the conference report makes important changes to help prevent the collapse of the financial sector when a party to a swap or a repurchase agreement defaults on an obligation. These changes were suggested by our Secretary of the Treasury, Robert Rubin. As President Clinton put it, we are in a serious financial crisis and we need to reduce systematic risk in the financial markets now.

This conference report, I think, is balanced and fair. I am sure that we will hear that it is not. Obviously, it is not entirely to my liking. No conference report is to everyone's liking. The essence of this legislative process, when a House and a Senate pass different versions of the bill, is that there be compromise. Actually, the differences in these versions was greater than you would normally have between pieces of legislation passed by the respective bodies and much more difficult to do.

I want to repeat for our colleagues, as well as for his constituents in Illinois, Senator DURBIN has been very, very cooperative throughout this process. We have had a bipartisan bill through the Senate. The process of compromise detracted from that, I am sorry to say. I was hoping that we would have a bill by the last week in July so we could have the whole month of September to work on the tremendous differences between the House and Senate. But things didn't work out the way I wanted them to and I am sure they didn't work out the way our distinguished Senate majority leader, TRENT LOTT, wanted them to work out, so this bill came out during the third week of September.

Now here we are about ready to adjourn for the year and to go home and campaign. That process was not handled in the spirit of bipartisanship that I had planned a year and a half ago when I started working on this legislation, and that has been the practice not only through the Senate, but through conference in previous times. Some of that probably was within my control, but most of it was outside of my control. So the extent to which the last step did not encompass the spirit of bipartisanship that I had anticipated a year and a half ago, I apologize to my friend, the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me say at the outset, my respect for my colleague, Senator GRASSLEY of Iowa, has not been diminished by this experience, but enhanced. It has been a joy to work with him over the last year and a half in preparing this important legislation. It is complex. It is difficult. He has shown both legislative and intellectual stamina throughout. He has been fair in his dealings with me, and to the moment where we were successful in passing this bill on the floor of the Senate by an overwhelming vote of 97–1, a strong bipartisan vote, I think we both took pride in the fact that we had given it virtually everything that we could to make the best possible legislation for a very difficult challenge.

Having said that, I will knowledge, as the Senator from Iowa has, that once that bill left the Senate floor, once the conferees were appointed, a totally different process took place, which was very disappointing to me. It was totally different in that it was not bipartisan. In fact, as I stand here today and look up at the clerk's desk and see the conference report from this committee, this is the first time I have ever laid eyes on it. I wasn't there. I wasn't invited to the conference committee meetings. I wasn't asked to sign the conference committee report. In fact, virtually no Democrats—at least on the Senate side—were involved in any of that negotiation. That is truly unfortunate.

There is no reason why this had to be a partisan endeavor. Senator GRASSLEY and I proved that in working together on a bipartisan basis we could come up with a good and balanced bill. In fact, when this issue first came to me and people representing banks and the credit industry came to my office, I said to them: I agree with you, there are abuses in the bankruptcy system that need to be cleaned up. I will help you clean them up if, and only if, you will concede that there are also abuses when it comes to credit cards in America that need to be cleaned up as well.

Each bank, each merchant, each credit card company said, without fail: We agree. We are in for both sides to be repaired, both sides to be changed, and reform to come that will really affect bankruptcy in the future.

The Senate bill did that. The Senate bill said: Yes, we will clean up the bankruptcy court, but we will also say to the credit card companies, you have a responsibility to clean up your act. It also said to creditors that when it comes to the whole question of your efforts, if there are predatory credit practices that are, in fact, unfair, those credit practices will not allow you a ticket into the bankruptcy court.

UNANIMOUS CONSENT REQUEST

Mr. President, before proceeding, I ask unanimous consent that the previously scheduled vote now occur at 5:50 p.m. this evening.

Mr. BAUCUS. Mr. President, reserving the right to object. If I might ask the manager if I may speak 5 minutes before 5:50. Otherwise, I will object. I ask the managers of the bill if they can assure me they will give me 5 minutes.

Mr. GRASSLEY. I will not speak anymore.

Mr. BAUCUS. Otherwise, I will object.

Mr. DURBIN. Mr. President, can we have some indication from other Members on the floor of the time they might need? Perhaps we can come to some accommodation.

Mr. SESSIONS. Mr. President, the Senator from Alabama would like about 10 minutes on the bankruptcy bill. There are 10 minutes set aside for me now.

Mr. DURBIN. How much time would the Senator from Ohio need?

Mr. DEWINE. I would like 8 minutes.

Mr. DURBIN. That is 23 minutes. I would have to sit down, and that would be a painful experience at this moment. I will withdraw the unanimous consent request at this point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. DURBIN. Mr. President, I am concerned that when we set about dealing with the bankruptcy code and reform, we tried to do it in a balanced fashion in the Senate bill.

Tonight, when you go home, open the mailbox, and you know what you are going to find—preapproved credit card applications. If you are an average American, you get 28 a year. If you happen to be in the prime target group, you get many more. A college student, in the first 6 months they are in college, can expect to be inundated. You are 18 years old and you can sign a contract; they can't wait to get you. The dean of students at the University of Indiana tells us that the No. 1 reason kids are leaving school at Indiana is not grades, it is credit card debt. That is what is happening.

So when there is a speech made about the shame of bankruptcy, what about the shame of some of these credit practices?

So what did we suggest be changed as part of this debate? Let me give you an idea of one thing in the Senate bill that was totally rejected by the conference committee. The banks and credit card companies said: This is unreasonable, we don't want it in the bill.

This example credit card statement belongs to a staff member who probably used this as a basis for acquiring more salary. We have added to this a provision that would have been from the Senate bill. We would put it at the bottom of your statement, a tiny paragraph, which says: if you pay only the minimum payment due and make no new purchases or advances, it will take you x number of months to pay off your balance, and the total cost will be approximately x.

Does that sound like an outrageous request of a credit card company—that we as consumers would know what the minimum monthly payment means in terms of indebtedness?

This individual has a balance of $1,295. They asked him to make a minimum payment of $26. If we put our provision on this, we would be telling him it would take him 93 months—almost 8 years—to pay off the bill. When it is all said and done, he would be paying $2,418, or almost double the amount of the current balance.

I don't think consumers should be in any way tricked or deceived or the facts concealed. Yet, that is what is happening because this conference committee felt that it was unreasonable to put that burden on a credit card company.

We had another provision that said that these predatory lenders that go after senior citizens—primarily widows in their late years—in the family home, and sign them up for siding and roofs and home repair with a second mortgage with a balloon, and take the house away because they have deceived some poor person, should not be able to walk into bankruptcy court and execute their claim against that person and their home. Predatory credit practices would not allow you a ticket to the bankruptcy court. As soon as this got in conference committee, they ripped it out and said: We don't want to go that far.

Let me tell you what happened as a result. We received a letter from the Director of the Office of Management and Budget. Mr. Lew has written to us—in fact, to the leaders of Congress—within the last 2 days, to say that if this conference report is presented to the President, his senior advisers will recommend that he veto it. Why? Because it is unreasonable. This conference report could have been so good, could have been so fair and so balanced, and it is not.

When it comes to the test that they are going to put someone in bankruptcy court, this is inflexible and unforgiving. Frankly, as a result of it, a lot of people who don't have resources and should not be put through this wringer will face it.

In addition to that is the whole question of class actions. I will concede to the Senator from Iowa that there are undoubtedly class action lawyers who are unscrupulous, but there are also class action lawyers who stand up for consumers who could not afford a day in court by themselves.

Consider this: A major retailer in the United States of America, as a matter of policy, has a coercive practice that when you are in bankruptcy court, they put the hammer on you as a debtor and say: We don't want you to have our debt written off. We want to tell you that you have to re-sign up to pay off this debt on this refrigerator—or car, or set of tools. They put the pressure on them. The person, under pressure, signs it. And it turns out to be a national policy. In fact, it is a national scandal. Only by class action suits on behalf of debtors across America can you go after these major banks and major retailers.

This conference report removes the right of debtors, through classes, to come to court. That was a right under the law before we even considered bankruptcy code reform. And so not only does this bill take away new protections for consumers, it takes away the existing protections for consumers—another reason why the President's Director of the Office of Management and Budget says they will veto this bill, as I believe they should.

There has been a lot said about child support and alimony. Consider how many of the people who go into bankruptcy court have an obligation to pay for the debts of their children and are, frankly, facing a lot of other debts and wondering how they will pay them off. The bottom line on this bill, as the letter from Mr. Lew indicates, is that they are putting more people in line to draw from the limited assets of estates. So a spouse trying to raise children and looking for child support, when they walk out the door in bankruptcy, has less money to turn to.

This bill, unfortunately, does not provide the kind of protection that I believe is absolutely necessary.

When we came to this Senate floor, we adopted a variety of consumer protection provisions that really gave balance to this bill. Almost without exception every single one of them was removed in this conference committee.

The credit industry that promised us they would give us a balanced bill, that they would agree to end abusive practices in their own industry—when they went into that conference committee and closed the door, they basically broke the deal. They walked out of that door with the conference committee report to their liking. The conference committee report, which they are lauding, is one which most of us believe is, frankly, a bill that should not be signed into law.

It is one sided. It is designed to reward the credit industry and to penalize the average consumer. They save the worst treatment for the unlucky families facing bankruptcy. They held aside the mother who depends on child support so that coercive creditors can claim the limited assets of bankrupt spouses. They refuse to protect the widow bilked out of her home by a home repair con artist. They refuse to provide any new credit card disclosure so that consumers can better understand the termination of their card agreements, or monthly bills.

Our purpose in this bill on this side was never to ration credit, but only to say that credit should be more rational, that each of us, as we enter into agreements for credit cards, should be able to understand the terms of the those credit cards and make our own decisions for ourselves, our families, and our businesses. Each and every time we attempted to do that in the bankruptcy bill, it was stripped out in the conference report.

What did they put in instead? A study—a study. So when it comes to nailing the consumers going into bankruptcy court, we need laws. When it comes to protecting the consumers who are trying to understand the terms of credit, they need studies.

That isn't balanced. And that isn't fair.

I think, frankly, that they have gutted the current law which protects consumers in bankruptcy from creditor abuse and manipulation.

This bill rips into low- and middle-income families and still lets the Florida and Texas millionaires hide their assets in mansions featured in Architectural Digest.

What am I talking about? Let's get specific.

There is an actor we have all heard of named Burt Reynolds. Mr. Reynolds is going through bankruptcy. He had a chain of restaurants and that chain of restaurants, unfortunately for him, failed. So when he reached the end of his rope, he decided to file for bankruptcy. But Mr. Reynolds happens to be a resident in the State of Florida.

If you happen to be a lucky resident of a State like Florida or Texas or Kansas, you can buy whatever size home at whatever expense you care to, and basically it is protected from bankruptcy. The rest of us living in other States would find in bankruptcy court that we are only protected to a limited extent. In those States, you are virtually unprotected.

Mr. Reynolds—this is reported in the newspaper; it is not some privileged information—is going to be able to protect a home in bankruptcy valued at $2.5 million.

This has been called the worst single scandal and abuse in the bankruptcy system.

If we set out to clean up the system, how did we overlook this glaring problem? Because, frankly, there are an awful lot of politically powerful people who do not want to see this changed.

We see a former commissioner of baseball moving to Florida and filing

for bankruptcy so he can put as much of his assets as possible into a home that can't be attached under bankruptcy.

A former Governor of Texas filing for bankruptcy is buying 200 acres of ranch land protected from bankruptcy. And the average person walking into a bankruptcy court across America doesn't have that kind of a sweetheart deal.

We cleaned that up in the Senate bill. And the conference committee, when they closed the door, basically stripped it out. They made some changes—I will give them credit for that—some modifications.

But when it comes to dealing with the amendment offered by Senator KOHL of Wisconsin, Senator SESSIONS of Alabama, they are not even close.

If you are talking the shame of bankruptcy, I think it is shameful that we would allow that kind of loophole to continue and say that we have passed a meaningful reform bill.

I come here today in opposition to this bill. I am glad that the administration has indicated that it will veto the bill.

I have said to Senator GRASSLEY and all others who are interested in this subject that I want a fair bill, one that is fair to consumers as well as to creditors. The door is still open for us to come and sit together and try to achieve that.

But those who think they can push this through, that they can slam-dunk this change without taking into consideration the protection of consumers, I think have really done a disservice to families across America—families who count on this Senate and their House of Representatives to listen to their interests, not just to the interests of the banks and the credit industry and the institutions which can afford the high-paid lobbyists in this town.

A few days after our bill passed in the Senate, I ran into a banking lobbyist in this town who said to me with a smile, "When it is all said and done, your consumer protections are gone." She seemed to know already what the outcome would be. I didn't think that was going to happen. I thought when we got into conference we would be able to protect consumers. It didn't happen. What we got was a study—a study instead of a law. A law doesn't protect anybody unless it is enforced. And a study has never protected anybody even if it is enforced.

We need to make certain that if we are going to have real bankruptcy reform, it is balanced reform.

I hope this conference report is ultimately defeated. I hope it is vetoed by the President. I hope we will return to the table and in the spirit of bipartisanship guide us to a Senate bill that passed 97 to 1 on a bipartisan basis. I hope we will come up with that balanced legislation.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Illinois. He did a good amount of work. He worked hard on this bill in committee. He worked hard on it to the very end. He was a champion of it in the committee. It came out of our committee by a 17-to-2 vote. It passed in the Senate with only one negative vote. Then we went into conference with the House. I am convinced that the bill is better today after having been be in conference than it was before it left, even though I had to give up some things that I favored.

I certainly agree with the idea that this homestead situation, where millionaires move off, buy mansions, and then declare bankruptcy, is a scandal.

But I am telling you, I was amazed how many Senators from States who have those homestead exemptions, mistakenly in my view, felt very strongly that this somehow abrogated their State law, their State constitutions. Their opposition, as Senator GRASSLEY knows, jeopardized the ability of the bill to pass. We made some modest progress towards restraining this abuse.

Senator GRASSLEY said he was prepared to let us take it up again next year and see what we could do then. But in order to move the bill, we made some progress rather than no progress on this issue. I certainly believe we can do better.

This bill passed the House with 300 affirmative votes; 75 Democrats supported it. I really do not agree with the assertions that this is not good bipartisan legislation.

It really hurts me to hear the Senator say that this bill guts the protections that were in the Senate version. This bill institutes protections for debtors, but it does set some standards in bankruptcy. It will not let an individual come in and wipe out all of their debt without any explanation or any justification for it. They have to justify that they need this radical protection.

With regard to the question of fairness, we have been on this bill for years now. Senator GRASSLEY has met and met and met. He worked very hard and had the bipartisan support of his Senate Judiciary Committee and his subcommittee on this bill. Senator DURBIN is the ranking member of it. The staff on Sunday met for 7 hours. They met 10 hours with the Democratic staff between Sunday and Wednesday of this week discussing this bill. They were asked to sign the conference report and they chose not to. Those of us who supported the bill signed it. The Democrats refused to do so. Obviously, at some point, they made a decision they were going to object to this bill. I don't believe the majority of the Senators want to do that in either party. It came out of this body and the other body with overwhelming support.

It is stunning to me. I know there is a campaign theme about this "do-nothing Congress." The President has been suggesting that.

This is a good historic piece of legislation. We haven't made a major improvement bankruptcy laws since 1978. A lot of work has gone into this reform. This is major legislation setting forth major progress. And, all of a sudden now, at the last minute, all of the objections come up. I suppose they will accuse us of not being able too pass the bankruptcy legislation.

But I want to say this: I think some people who killed this bill are going to have to answer why. I don't believe it is going to be a satisfactory explanation to say that they voted against it because it prohibited trial lawyers from bringing a bunch of class actions. Only within the area of a finite part of the bankruptcy law are class actions prohibited.

That is almost an insignificant part of this bill. And to raise that now and suggest it is a basis to oppose this bill suggests to me just how good a bill it is, if that is all they can find to fuss about. Maybe this suggests that it is trial lawyers making the phone calls and stirring up the opposition. It really is frustrating to see a man of the ability, the patience and the integrity of Senator GRASSLEY bring this bill up with the great support he had from both parties and see it now being jeopardized by a Presidential veto.

I would hate for that to happen. I believe when the President actually studies this bill carefully, he is going to conclude ti is a historic improvement over the present law, that he cannot justify not signing it, that it will be good for America and that he will sign it. I certainly hope that is true.

Let me mention a couple of things about the bill. We have several pages of restrictions on credit. There is a whole section of this bill entitled "Enhanced Disclosures on the Open End Credit Plan." We went into credit cards and some of that stuff, but this is not a banking bill. This is not a credit card bill. This is a bill to improve bankruptcy, not credit cards. Attaching and raising all those issues is something that ought to be done by the Banking Committee. But we included some restrictions, a number of restrictions, and we put in this bill a study required to be done by the Federal Reserve Board to help us develop a way to control any abuses in the credit card industry. I think it will be a step forward.

This is a not a stonewall. Here at the last minute we don't have to be creating movement from bankruptcy to credit cards. I feel strongly about that.

Let me just mention a couple of things the bill does. It, for the first

time, states that if you have plenty of money to pay back a lot of your debts, you ought to do so. So if you can pay back 50 percent, 70 percent of your debts, you ought to go into chapter 13. The court will protect you from lawsuits and creditors, and you set up a payment plan and you can pay back those creditors a portion of what you owe if you have sufficient income.

Now, the standard used for income is the national median income for a family of four. This means that the person would have to make over $50,000 a year to be required to pay any back. If they make less than that, they can stay in the chapter 7 and wipe out all of their debts. So I don't think the standard is very high at all. But people who are wealthy, have money, ought to pay back some of their debts. And many of them can pay all of their debts back.

That is the historic step. It is only fair. And it is just not moral to allow people to not pay their just debts when they are capable of doing so.

I see the distinguished chairman of the Senate Judiciary Committee has come in the Chamber. I have a couple of minutes remaining. I will be delighted to yield for any comments he has. He has been a strong leader in this legislation.

I yield the floor.

Mr. HATCH addressed the Chair.

the PRESIDING OFFICER. the Senator from Utah is recognized.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. HATCH. Without losing my right to the floor.

Mr. BAUCUS. I just wonder if the Senator will give am a few minutes. I have been in the Chamber for over a half hour waiting. I would appreciate the Senator yielding.

Mr. HATCH. how much time would the Senator want?

Mr. BAUCUS. Three to 4 minutes.

Mr. HATCH. Could the Senator do it in 2?

Mr. BAUCUS. Three.

Mr. HATCH. Three. Three minutes. Go ahead.

Mr. BAUCUS. I thank the Senator very much.

Mr. HATCH. Without losing my right to the floor.

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

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my good friend from Utah for his graciousness in yielding me 3 minutes.

RELOCATION OF LOCAL POST OFFICES

Mr. BAUCUS. Mr. President, I want to talk about something very simple. It is about post offices and particularly small town or community post offices. Our first Postmaster General was Benjamin Franklin, 200 years ago. And, obviously, at that time post offices were very important to Americans. It was a local gathering place; it was a meeting place, in addition to sending and receiving mail. And the same is true today in small town America, in some of our smaller communities and even some of our larger communities.

For example, in my State of Montana, let's take Livingston, the post office is where people meet to compare notes, talk about what the fly hatch is on the Yellowstone so they will know what to go fishing with. And maybe Red Lodge, MT—collect the mail and talk about what happened at the most recent track meet. The same is true in Plains, MT, a post office that has been there for 115 years.

The problem is this: The Postal Service recently, in my judgment, has not treated communities fairly because it has come in and closed local post offices and often rebuilt them outside of town to essentially destroy the local character of the community.

Senator JEFFORDS and I offered an amendment on the Treasury-Postal appropriations bill. It passed the Senate by a vote of 76 to 21. A similar version passed the House. Essentially, we are just providing for notice so that local communities, when the Postal Service decides to come in and close a post office or move it, would have a chance to have a hearing, would have an opportunity to have notice, would have an opportunity to have some say in their community.

Today, under Postal Service regulations, local people don't have a say. They don't have the ability to influence, in any meaningful way, where their post office is located or whether it should be closed.

I think that is wrong. I regret saying this, but the conferees on the bill stripped our amendment, even though it passed the Senate 76 to 21, and even though it had very large support in the House.

That is just not right. It is not fair. It is not fair to those folks in communities who very much rely on their post office. We are just asking for a fair process so the local people have the opportunity to have some say in their community so that Uncle Sam, Uncle Postal Service, doesn't ram down their throats a solution that doesn't make sense. I regret to say the conferees did not include it, and next year I will reintroduce the legislation, I am sure, along with Senator JEFFORDS. That provision, unfortunately, is not in the bill.

Again, I thank my good friend from Utah, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATCH. Mr. President, what this legislation will accomplish is straightforward. If a person is able to repay their debts, they will be required to do so. We must restore personal responsibility to the bankruptcy system. If we do not, every family in America, many of whom struggle to make ends meet, will continue to shoulder the financial burden of those who abuse the system.

It always has been my view that individuals should take personal responsibility for their debts, and repay them to the extent possible. Under the present system, it is too easy for debtors who have the ability to repay some of what they owe to file for chapter 7 bankruptcy. Under chapter 7, debtors can liquidate their assets and discharge all debt, while protecting certain assets from liquidation, irrespective of their income. Mr. President, I believe that the complete extinguishing of debt should be reserved for debtors who truly cannot repay them.

Mr. President, let's think about this problem in fundamental terms. Let's say that somebody owes you money, and is perfectly able to pay you back However, this person finds a clever way under Federal law to avoid paying you. That would be wrong—it would be unfair. Yet, we are allowing this to happen every day in our bankruptcy courts. We have a system woefully in need of reform. The bankruptcy system was never intended to be a means for people who are perfectly able to repay their debts to get out of paying them. It was designed to be a last resort for people who truly need it. What our bill does is allow those who truly need bankruptcy relief to have it, but requires those who can repay their debts to do so. This is not a novel concept. It is basic fairness.

Americans agree that bankruptcy should be based on need. As this chart demonstrates, 87 percent believe that an individual who files for bankruptcy should be required to repay as much of their debt as they are able to and then be allowed to extinguish the rest. Yet, as stated in the Wall Street Journal (Nov. 8, 1996) bankruptcy protection laws give an alarming number of "obscure, but perfectly legal places for anyone to hide assets." For instance, one Virginian multimillionaire incurred massive debt, but under State law was entitled to keep certain household goods, farm equipment, and "one horse." This particular individual opted to keep a $640,000 race horse.

This bill does a number of things to make ti harder for people who can repay their debts to avoid doing so by using loopholes in the present bankruptcy system.

It provides a needs-based means test approach to bankruptcy, under which debtors who can repay some of their debts are required to do so. It contains new measures to protect against fraud in bankruptcy, such as a requirement

that debtors supply income tax returns and pay stubs, audits of bankruptcy cases, and limits on repeat bankruptcy filings.

Mr. President, I am amazed to hear critics of this legislation make the argument that his report does not protect consumers. As recently as yesterday, I read that an opponent of this legislation said, "The Republican conferees stripped out every significant consumer protection in the Senate bill, and to add insult to injury, repealed existing consumer protections in the law." How, Mr. President, does this bill "repeal existing consumer protections?" Further, I challenge anyone who would make such an unfounded claim to compare the House bill, which passed with an overwhelming bipartisan vote of 306 to 118, with this balanced conference legislation, and tell me there are no new significant consumer protections.

Let's get beyond the politics. Let's stop with the unfounded criticisms of this legislation, and look at what it really gives to consumers:

A debtor's bill of rights with disclosure requirements for debtor lawyers who advertise. This provision is designed to protect consumers from "bankruptcy mills" that are out to make money without regard to consumers. This provision will protect unwary consumers from being lured into bankruptcy without knowing what they are getting into and without knowing their alternatives.

Credit counseling for debtors before they file for bankruptcy, so that they may be able to avoid bankruptcy altogether.

New consumers protections with regard to reaffirmations. Every debtor who reaffirms unsecured debt will have the opportunity to appear before a judge. And, a new heightened standard is required in the review of each of these agreements to make sure debtors are not coerced into making them.

New reaffirmation disclosure requirements. Even it a debtor is represented by counsel, the creditor must give new disclosures to the debtor with regard to the debtor's rights.

New penalties for pressuring debtors after discharge. A $1,000 penalty plus actual damages and attorneys fees if a creditor violates the post-discharge injunction.

New penalties for abusive reaffirmation practices: Another $1,000 penalty on top of actual damages and attorneys fees if a debtor is injured by a creditor's failure to follow the procedures for a reaffirmation agreement.

New penalties for refusal to credit the payment plan properly—again, $1,000 plus actual damages and attorneys fees when the creditor refuses to credit payments under a plan.

New protection for debtors from unjustified motions for dismissal in the form of liability for the debtor's attorneys fees and costs.

New penalties for creditors who fail to negotiate. If a creditor unreasonably refuses a good faith offer to settle before bankruptcy for 60 cents on the dollar, the court can decrease the creditor's claim by up to 20 percent.

New penalties for violating the automatic stay—including actual damages and attorneys fees.

New protections from credit card cancellation. A credit card company is prohibited from terminating a customer's account solely because the debtor has not incurred finance charges on the account.

New credit card warnings and disclosures, including new initial disclosures, new periodic statement disclosures and new annual disclosures about the reality of paying off a balance by making only the minimum payment.

A new study on disclosures for closed and open end credit secured by the debtor's house, to be conducted by the Federal Reserve Board, with authority to issue new disclosure regulations.

A new Fed study on the sufficiency of current consumer protections on debit card liability and the authority to issue new disclosure regulations.

A report from the comptroller general within 1 year on whether there are excessive extensions of credit to college students.

And, the bill makes extensive reform to the bankruptcy laws in order to protect our children. The bill ensures that bankruptcy cannot be used by deadbeat dads to avoid paying child support and alimony obligations. The obligation to pay child support and alimony is moved to a first priority status under this legislation, as opposed to its current place at seventh in line, behind bankruptcy lawyers and other special interest. With this new law, debtors who owe child support will have to keep paying it when they file for bankruptcy, and they cannot obtain a discharge until they bring their child support and alimony obligations current. Also, if a debtor pays child support right before filing for bankruptcy, the child support payment can't be taken away from the kids.

The National Association of Attorneys General has told me that they "applaud the provisions * * * that improve the tr4atment of domestic support obligations by ensuring that the spouse and children will continue to be able to collect support payments they are owed during the bankruptcy case and that debtors will not obtain a discharge until they have met their obligations to their spouse and children." The attorneys general go on to say that "these are much needed additions to current law, and we strongly support these changes." the National Child Support Enforcement Association has also written to me in support of these improvements to bankruptcy law because of the need "to strengthen and clarify the rights of separated families during and following bankruptcy proceedings."

In addition, this bill protects our children's educations. With this legislation, postsecondary education accounts will be protected in bankruptcy up to $50,000 per child or $100,000 in the aggregate.

This bill also provides new and important protections for retirement savings. The AARP has stated, "The accumulation and preservation of retirement funds * * * represents an important national goal." The AARP believes—and I agree with them—that retirement savings should be more uniformly protected, and that "Shielding retirement funds would reduce the likelihood that legitimate petitioners will be impoverished later in life." Under this bill, retirement plan assets are categorically untouchable by creditors, even if State exemptions are otherwise claimed.

Furthermore, this legislation keeps drunk drivers from using bankruptcy to get out of paying their victims the judgments they owe them.

I simply can't believe that opponents of this legislation can say with a straight face that this legislation doesn't help the American people.

About $40 billion in consumer debt will be erased this year in personal bankruptcies.

Let me put this figure in perspective. $40 billion is enough to fund the entire U.S. Department of Transportation for a year, or to provide Pell grants to 13 million needy college students.

It has been estimated that bankruptcies cost every American family about $400 per year. Apparently, critics of this legislation are content to throw this money away. But where I come from, $400 a family means something. It buys 5 weeks worth of groceries, 20 tanks of gas, 10 pairs of shoes for a grade school child, or more than a year's supply of diapers.

Are opponents of this bill really comfortable with the status quo? Are they willing to throw away all of the important new consumer protections we have worked for in this bill? Are they willing to have retirement savings and educational savings exposed to the claims of creditors in bankruptcy? Are they willing to continue to let deadbeat dads use the U.S. bankruptcy system to get off the hook for child support? Are they willing to let drunk drivers use bankruptcy to get out of paying their victims?

The only conclusion we can reach is that opponents of this legislation simply never wanted to see bankruptcy reform at all. Apparently, they are content to do nothing to curb the record increases in bankruptcy filings. They are willing to allow people to continue to "game" the bankruptcy system at the expense of honest, hardworking Americans. And, they are happy to sit idly by and do nothing when they see a

$400 hidden bankruptcy tax imposed on every American family year after year.

It is my sincere hope my colleagues will not derail this bill just to make a political statement, and instead vote their conscience on the substance, and support this bill. I am also hopeful that the President and his advisors will recognize the importance of this bill to the economy and to all consumers.

In conclusion, Mr. President, I have heard these arguments from my colleagues on the other side that this process has not been a good process and all of their consumer protection items have been taken out of this bill.

Look, I negotiated with the House on this, and we had to do it in a very intensive, tight framework. It was a very difficult thing to do. Let me go down through some of the new consumer protections that are in this bill, because nothing could be farther from the truth than for them to come out here and indicate there are no consumer protections.

No. 1, we have a Debtor Bill of Rights in this bill, credit counseling; we have judicial review of reaffirmation; we have reaffirmation of disclosure requirements; we have penalties for pressuring debtors after discharge; we have penalties for abusive reaffirmation; we have penalties for refusal to credit payments; we have protections from unjustified motions; and penalties for failure to negotiate.

This is all for the protection of consumers. Penalties for violating automatic stays, protection from credit card cancellations, credit card warnings and disclosures that we require, rules and study on disclosures, over 100 percent mortgage credit study; we have a study on debit card liability; we have a college student and credit card study. All of this is important, meaning we are going to continue to revisit this and do all of the things we can to do what is right here.

We have child support protected, education savings protected, retirement savings protected; we have drunk-driving judgments are going to get paid.

Now, there are a lot of consumer protections here. Look at this: "Americans agree bankruptcy should be based on need."

An individual who files for bankruptcy should be able to wipe out all their debt regardless of their ability to repay that debt.

That is 10 percent of the people.

The "DK refused," 4 percent.

An individual who files for bankruptcy should be required to pay as much of their debt as they are able to and then be able to wipe out the rest.

Eighty-seven percent fit in that category. What does that mean to the American taxpayers and the real consumers in this country and everybody else who is paying for this ungodly process? About $40 billion in consumer debt will be erased this year in personal bankruptcy. First, $40 billion would fund the entire U.S. Department of Transportation for 1 year; second, provide Pell grants to 13 million needy college-bound students; third, "The Flawed System Costs Every American Household $400." Just think about that. Last but not least, "Bankruptcies Cost American Families $400 a Year."

That $400 could buy a family of four 5 weeks of groceries, 20 tanks of unleaded gasoline 10 pairs of shoes for the average grade-school child, and more than 1 year's worth of disposable diapers.

There is a lot we have done here. Is it perfect? No, because we have two bodies here that have to get together.

I would also like to express any disappointment that despite hours and hours and numerous meetings between Democrats and Republicans, some say that the process was not fair or somehow excluded Democrat participation.

I lived through years and years of Democrat control of this body, and the other body, and I have to tell you, they were not nearly as fair in most conferences as we have been here in trying to accommodate Democrats—when many did not want to. So we have tried to do it. I think it is just really very phony to go otherwise.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise in support of the Senate-House Conference Report on the Consumer Bankruptcy Reform Act. I applaud the hard work of both the Senate and House conferencees, especially the leadership that Senator GRASSLEY has shown on reforming our bankruptcy laws.

I believe that this conference report is a balance between preventing the fraud and abuse of our bankruptcy system and protecting those who are in considerable economic pain. The increase in bankruptcies has put a strain on our economy and families. These losses associated with bankruptcies have been passed onto consumers, costing every household that pays its bills $400 in hidden taxes. That is not fair to the millions of families who pay their bills every month. This report will prohibit fraud, abuse, and the casual use of our bankruptcy laws while ensuring the payment of child support and alimony.

I am disheartened by some of my Democratic colleagues and the Administration's opposition to this conference report. This bill not only reforms our current bankruptcy laws, but places Chapter 12 into our bankruptcy code permanently in order to protect family farms and farmers.

Farmers in Kansas and across the country are experiencing cash flow problems associated with low commodity prices. U.S. Dept. of Agriculture estimated that net farm income would be down by 15.8 percent this year. Some economists have indicated that America's farmers could soon see a recession similar to the one which occurred in the mid-1980's.

Chapter 12 of the bankruptcy code was created by Congress in 1986 in response to the farm crisis of the mid-1980's, which caused many family farmers to lose their farms and homes. This chapter was specifically designed to protect family farmers by enabling them to reorganize their debts and keep their land. However, this chapter has not yet been reauthorized and expired on October 1.

While I realize both sides of the aisle have differences on how to provide relief to our family farmers during this difficult time, we are all unanimous in protecting their farms and homes. Just last year, the Senate passed the Family Farmer Protection Act by unanimous consent that would permanently place Chapter 12 in our bankruptcy code. If we want to protect our family farms and farmers during this crisis, we must pass the bankruptcy conference report and place Chapter 12 permanently into our bankruptcy code.

Mr. KERREY. Mr. President, I want to express my disappointment with H.R. 3150, the Bankruptcy Reform Conference Report, and the decision of the Conference members to drop important provisions that would have helped our farmers.

I voted for the Senate version of the bankruptcy bill because I believe it properly toughened provisions to keep bad seeds from filing for bankruptcy, while maintaining protections for consumers. I voted for the Senate bill because I worked hard to get important protections for farmers added to the bill.

The Senate passed a bipartisan piece of legislation that not only was crafted in the best spirit of bipartisanship, but included valuable provisions to help our farmers, who are facing the worst economic crisis in a decade.

I, along with my friend from Wisconsin, Mr. FEINGOLD, worked hard to add provisions to the Senate bill to specifically help family farmers by increasing debt limits so that inflation levels are factored into their debt calculations; ease regulations related to income acquired off of the farm by families trying to make ends meet; and help farmers better structure their debt in order to continue to prepare for next season's crops and livestock.

All of these provisions were removed in the Conference Report.

I come to the floor today to make something clear. I will not let the Conference Committee's decision to exclude these important protections for farmers be the final word. I plan on doing everything I can during these remaining days to get these much needed farming provisions included in the Omnibus Appropriations bill.

Mr. KOHL. Mr. President, I rise to express my strong concern about the conference report on bankruptcy reform. We do need to stop abuse of the

bankruptcy system, and there is some good in this measure. But regrettably this is not an adequate solution. I do want to "proceed," but to a better bankruptcy bill.

Two weeks ago, the Senate overwhelmingly passed a reform bill which I was proud to support. It targeted the worst abuses by debtors and creditors, without overburdening the vast majority of debtors who truly need—and deserve—relief. Senator GRASSLEY and Senator DURBIN deserve much of the credit for putting together such a balanced and effective measure.

But this bill is not that bill. Let me tell you why.

Mr. President, we can't truly "reform" the bankruptcy system unless we eliminate the most egregious abuse. That is, debtors who shield their assets in luxury homes in states like Florida and Texas, while their legitimate creditors—children, ex-spouses owed alimony, governments, retailers and banks—get left out in the cold. If we really want to restore the stigma to bankruptcy, all of us know this is the best place to start. By capping the homestead exemption at $100,000, the Senate bill would have stopped this abuse.

But the Conference Report won't put an end to this practice. Indeed, it only addresses part of the problem—by making it harder to move to Florida or Texas solely to take advantage of their liberal homestead laws. Now that is a step forward. But it is just a small step; it does nothing to stop debtors who already own lavish homes—or second homes—in those states from continuing to live like kings. That's an injustice to legitimate creditors and an outrage to anyone who believes—like I do—that deadbeats who go into bankruptcy shouldn't be able to shield their assets in luxurious homes.

Just take a look at what Burt Reynolds did earlier this week. The measure wouldn't apply to him, because he lives in Florida and that state has no homestead cap. As part of his bankruptcy settlement, he managed to hold onto his $2.5 million estate called "Valhalla." Now, I like Burt Reynolds' movies. I liked "Deliverance," "Daisy Miller," and "The Longest Yard"—though I didn't see "Boogie Nights." Burt Reynolds is a fine actor. But it seems like he's making out much like his title role in "Smokey and the Bandit." While he lives in luxury, his legitimate creditors lose millions. The Conference Report allows this to happen; the Senate bill would have put an end to this travesty.

Of course, the dramatic rise in bankruptcies is very troubling, regardless of whether the blame lies with credit card companies, a culture that disparages personal responsibility, the bankruptcy code or, most probably, with all of the above. While none of us wants to return to the era of "debtors' prison," we need to do something to reverse this trend, reduce the number of bankruptcy filings and make sure bankruptcy remains a tool of last resort. This bill does some of that. For example, it discourages repeat filings and it encourages debtors who can repay some of their debts to do so. But Mr. President, ultimately this Conference Report falls short. Instead of proceeding to this measure, we should proceed to a better bill. And hopefully next Congress we will. Thank you.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, the question is on the motion to proceed to the conference report on H.R. 3150.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) would vote "aye."

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—94

Abraham	Faircloth	Mack
Akaka	Feingold	McCain
Allard	Feinstein	McConnell
Ashcroft	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Warner
Dorgan	Lieberman	Wyden
Durbin	Lott	
Enzi	Lugar	

NAYS—2

Harkin	Kohl

NOT VOTING—4

Bond	Hollings
Glenn	Wellstone

The motion was agreed to.

BANKRUPTCY REFORM ACT OF 1998—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3150), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1998.)

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. I am happy to yield to the Senator from Indiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. I thank the Senator from Texas.

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

Mr. COATS. Mr. President, I ask unanimous consent that I be permitted to speak for up to—and I do not think it will take that long—15 minutes.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to follow the Senator from Indiana for 5 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. COATS. Mr. President, I also ask unanimous consent that members of my staff be granted floor privileges during the presentation of my statement. And I also ask unanimous consent that a list of their names be printed in the RECORD.

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

The list is as follows:

Mike Boisvenue, Joy Borkholder, David Crane, Mike Farley, Carol Feddeler, Frank Finelli, Tim Goeglein, John Hatter, Debra Jarrett, Vivian Jones, Holly Kuzmich, Bruce Landis, Sue Lee, Robin McDonald, Christine McEachin, Townsend Lange McNitt, Stephanie Monroe, Michael O'Brien, Karen Parker, Ryan Reger, Marc Scheessele, Pam Sellars, Mary Smith, Matt Smith, Sharon Soderstrom, Russ Vought, Emily Wall, and Paul Yanosy.

Mr. DASCHLE. Parliamentary inquiry; could the Chair inform our colleagues as to the order that has been agreed to as a result of the unanimous consent request.

The PRESIDING OFFICER. The Senator from Indiana has up to 15 minutes,

as agreed to by unanimous consent, to be followed by the Senator from Texas for up to 5 minutes.

Mr. DASCHLE. I ask unanimous consent I be recognized for the purpose of morning business following the two Senators who have already been identified through the unanimous consent.

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

Mr. COATS. Mr. President, let me state that it is not my intention to hold anybody here that needs to leave. It is my understanding that all normal business for the day has been finished, and that is why I asked for the permission to speak in morning business. If that is not the case, I am certainly willing to defer.

Since I hear no objection, I will proceed.

REFLECTIONS

Mr. COATS. Mr. President, the end of the 105th Congress marks the beginning of my transition from Senator to citizen. This ends 24 years for me of public service: Two in the U.S. Army, four as a legislative assistant and district director for then-Congressman Dan Quayle, and 18 in the Congress. While I look forward to life after politics, I know how much I will miss this place and its people, and so I want to acknowledge some debts.

I want to acknowledge the privilege of serving under two remarkable Republican leaders and one Democrat majority leader, all of whom I hold a great deal of respect. Senator Mitchell was majority leader when I arrived. He gave me nothing but the utmost courtesy, fairness and respect. I have a great deal of respect for him in the way he conducted this Senate. Senator Dole became my friend and mentor. His life is a tribute to a true patriot and to someone whose commitment to public service, I think, is nearly unequal. Our current leader, Senator LOTT, is someone who is a dear friend, someone who I greatly respect, and I think certainly has a great future as majority leader.

There are many others that have made a deep impression on me and provided friendship and support in ways that I will never be able to adequately acknowledge: The senior Senator from Indiana, whose lifetime of public service serves as a model to many; my staff, who have faithfully and tirelessly served. I have always said good staff makes for good Senators. I don't know if I fit the quality of a good Senator, but I know I had a good staff. Any failings on my part are not due to my staff, they are due to me. They have been exceptional. I think they are the best Senate staff assembled. I say that for the very few who are left that have not secured employment. Some of you are passing up great opportunities if you don't grab them.

I have had three very, very able administrative assistants, chiefs of staff: David Hoppe, who now serves as the floor's chief of staff and served with me for my first 4 years; David Gribbin, who many of you know, assistant secretary of staff for Dick Cheney for many, many years in the House; and now Sharon Soderstrom. All have been exceptional chiefs of staff. They have assembled a wonderful staff.

The Senate support team: All those who man the desks and work the cloakroom and make sure we vote on time; the guards who protect us and make sure we are safe in our jobs; the staff who serve us, and the people who make this place work, they are a family. They have treated me like part of the family. I have tried to treat them as part of the family. They make it possible for us to do so many things and they certainly deserve our acknowledgment.

Our Chaplain, who has meant so much to me from a spiritual perspective, and my colleagues, my friends, who I can't begin to thank; those who share my ideals and have voted with me and those who don't but who have engaged in respectful, meaningful dialog in debate, and who, at the end of the debate, we have been able to meet at the center aisle, shake hands, acknowledge, "Well done, we will get you next time," or "See you at the next debate?"—all of those mean a great deal to me. I come from here with many, many memories.

I want to thank my wife for her love and support and sacrifice. She is the best mother that any three children could ever have had. She has been a father many times when I haven't been there to do the job as a father. My children have been patient and had stolen moments which I will never be able to recover. I thank my colleagues, as I said, those who have shared ideals and those who we had honorable and honest disagreement. Finally, the people of Indiana who have seen fit to elect me many times to the Congress and twice to the Senate, thank you for giving me a privilege beyond my ability to earn the privilege of their trust, the honor of their votes.

In times of change you become reflective, and it is nice to think about your accomplishments. It is also a time to reflect on unfinished business, business that I hope will help shape the direction of this Congress that some have indicated an interest in, and hopefully others will pick up that interest.

By constitutional design, the measure of success in the Senate, I think, is different from other parts of government. We are employed to take a longer view, insulated from the rush of hours to see the needs of future years. This is the theory. In practice, the pace of politics makes this very different, very difficult. This has been the greatest source of personal frustration during my years in this institution, that we have not spent nearly enough time dealing with the larger issues that face us, things that will matter down the road, topics that will be chapters in American history, not footnotes in the CONGRESSIONAL RECORD.

If you allow me the privilege, I will briefly mention three of those matters that I trust will remain central to the questions of our time.

All of you know of my interest in the issue of life. I believe there is no higher call of government than to protect the most defenseless among us. There is no greater honor in this Senate than to use our voice to speak for those who cannot speak for themselves. Perhaps uniquely among our deliberations, the cause of life is informed and ennobled by a simple truth: Humanity is not an achievement. It is an endowment, and that that endowment is made by a Creator who gives inalienable rights, first among them the right to life. This is a founding principle of our political tradition. It is the teaching of our moral heritage. And it is the demand of our conscience.

Abraham Lincoln wrote of our Founders:

> This was their majestic interpretation of the economy of the universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to his creatures. . . . In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children, and their children's children, and the countless myriads who should inhabit the Earth in other ages.

My question is, Will that beacon shine for all our children, those born and yet to be born? Or will we, in the name of personal liberty, stamp out the divine image and likeness of the most defenseless of all? I believe it is one of the central questions of our time.

I know we are divided on that issue. I hope, though, that we would all put aside some of the harsh rhetoric and continue to engage in the discussion about the meaning and the value of life and what our duties and responsibilities are to protect that life, to expand the ever-widening circle of inclusion that our great democracy is known for: bringing women, the defenseless, the handicapped, African-Americans and minorities within this circle of protection in our democracy. And I believe—my personal view, and I hope one we would certainly debate and discuss—that extends to the unborn.

Secondly, another great issue that I believe demands our continued attention is the long-term strength of our Nation, the resource and planning that we devote to the defense of liberty. Here we are, not weak as a nation, but I fear that we are on a trajectory toward weakness—that our power and authority are being spent and not accumulated.

It has been one of the highest callings and privileges for this Senator to serve on the Senate Armed Services Committee and to use that position to advance the cause of our men and women in uniform. I deeply respect and honor those who have served our Nation in war and peace as watchmen on the wall of freedom, but the test of our appreciation is measurable by the firmness of our determination that their lives will not be needlessly sacrificed because we have allowed the deterrent power of America's military to decay. The history of this country is a history of military victories, but it is also a history of how our Nation often invited future conflict and unnecessary loss of American life by too swiftly disarming after our victories and squandering the opportunities of peace.

In 1939, Army Chief of Staff, Malin Craig said:

> What transpires on prospective battlefields is influenced vitally years before in the councils of the staff and in the legislative halls of Congress. Time is the only thing that may be irrevocably lost, and it is the first thing lost sight of in the seductive false security of peaceful times.

Mr. President, I believe we have been living in peaceful times. We have enjoyed prosperity and peace that is almost unprecedented in America these past several years. I fear that storm clouds are gathering, however, on America's horizon, that the "seductive false security of our peaceful times" is fast fading. We see a frightening proliferation of weapons of mass destruction. We see worldwide terrorism, much of it directed at Americans and American interests. We see political instability and human suffering, social disorder resulting from ethnic hatred, power-hungry dictators, and the very real prospect of global financial distress with all of its attendant consequences. All of this, I believe, calls for eternal vigilance, a national defense second to none, a military equal to the threats of a new century.

We have a unique opportunity, I believe, and a strategic pause that is fast fading to build a new military equal to the new challenges and the new threats of the future. Closer to home, it is my hope that the Senate, in every future debate on social policy, will focus on the role of families, churches and community institutions in meeting human needs and touching human souls. This is a world of heroic commitment and high standards and true compassion that must be respected and fostered and protected, not harassed or undermined by Government or Hollywood. It is a world of promise that I urge all of you to take the time to discover.

I believe our Nation needs a bold, new definition of compassion. We need compassion that shows good outcomes, not just good intentions. We need to get rid of the destructive welfare culture. We have taken a great step in that direction, but we still need to fulfill our responsibilities to the less fortunate and disadvantaged, the children and the helpless. We need to abandon our illusions about Government bureaucracies, but we still need to keep our human decency.

How is this possible? I am convinced there is a way—a hopeful new direction for change, because there are people and institutions in our society that can reach and change these things. Families and neighborhoods, churches, charities, and volunteer associations have the tools to transform people's lives. They can demand individual responsibility. They can practice tough love. They can offer moral values and spiritual renewal—things that Government can't do, and we should not want Government to do.

I believe a bold, new definition of compassion will adopt this bold dream: to break the monopoly of Government as a provider of compassion and return its resources to individuals, churches, synagogues, charities, volunteer associations, community organizations and others. This, I believe, is the next step of the welfare debate and the next stage of reform, the next frontier of compassion in America.

Before I close, let me add a personal note, and it is difficult for me to say this. I have deliberated long on whether I should say this. But I believe, since I am not going to be here next year, this is something I would want to have said. So allow me to briefly do that.

I resolved when I came here, like many of you, from the moment I took the oath, that I would do my best not to do anything to bring this body into disrepute, that I would try not to tarnish it by word or action, that whatever I did in public policy, I would try my best not to contribute to public cynicism or a diminishing of the office. I think all of us feel this burden. It is one of the reasons that I believe this impeachment process, which we are contemplating, which looms large on the horizon of this Senate, has to be taken seriously. I don't presume that any of us should draw a conclusion at this point. But I believe it is a serious thing to consider. I don't believe that moral deregulation of public office is ratified by public apathy. It will be a terrible thing if the ethical expectations of public office are allowed to wither. The Nation could double its wealth, but we could have a shrunken legacy. I believe each of you who will be here have a high duty and moral responsibility to address this with the utmost seriousness and the absolute smallest amount of partisanship that is possible, and I speak to my colleagues on the Republican side, as well as the Democrat side.

It is my hope that when the time comes, the Senate will give evidence to the ideals that I have seen displayed so many times in this body. I believe these things strongly, but I don't want to end on this point. I make the points because I have learned from so many here in the Senate and from so many great Americans who served before me how honorable public service can be. I am not leaving the Senate disillusioned in any way. I leave having seen how important and how sometimes noble elective office can be, after nearly two decades of service. I believe in this job and in its goals, and I am confident that the country is well served by my many friends and colleagues who will continue to serve and lead this institution.

Again, I thank my great State of Indiana and the people and friends who made it possible for me to serve here. I thank my God for the privilege of service in this place, and I thank each of you for being my friends and my colleagues and leaving me with memories that I will never, ever forget. I will leave here extolling this institution as the greatest deliberative body in the greatest country in the history of the world, and I have been privileged to be a part of it. Thank you very much.

[Applause.]

SENATOR DAN COATS

Mr. LOTT. Mr. President, while our colleagues express their appreciation to our good friend from Indiana, I would like to just say a few words about him and spread those on the RECORD of the U.S. Senate.

We are all losing some good friends in the Senate Chamber this year on both sides of the aisle, and we will have a chance over the next few hours to talk about each one of them. I want to say a few special words about my good friend, DAN COATS.

Senator DAN COATS succeeded Senator Dan Quayle in the Senate. He was a Member of the House, and he worked as a staff member before that. I have actually known this distinguished Senator from Indiana going back about 20 years now, as a staff member, which I was, as a Congressman, and as a Senator. I have to say that I truly believe that no man or woman who serves in the Senate today has had a greater influence on my own life and on my own career than DAN COATS from Indiana. He was always there for me when I sought advice in the House. And every time I have sought elective office in the Senate, he was one of the nominators. I referred to him as my "rabbit's foot" because he always said just the right things. Whenever the going is the toughest, I know I can go to DAN and seek good advice, and it will come from him. He is a man that has his priorities in order—honesty, integrity, family, and also those special things a lot of people don't know about, such as his involvement in the Big Brothers Program. One of the things he enjoyed the most, which he didn't mention

today, is that he served in the House for quite some time as the ranking member on the Select Committee on Children, Youth and Families. He enjoyed that assignment. I always wanted to eliminate all of the select committees. But for DAN and that committee, they did a great service for the families and the children of this country.

DAN is the kind of guy also who will run late to a meeting with the archbishop and will stop and visit with a homeless man on the street to try to talk to him about his needs, and try to help him, try to get him to go to a shelter. He is really a good human being.

He has been a valuable asset to the Senate when it came to our services, when it came to working with any of us who have problems here in the Senate.

So I am going to dearly miss him as a personal friend, as a great Senator, a great family man. He and Marcia are great people. In fact, I was sitting on my patio a couple of weeks ago on Saturday, and I got to thinking about DAN COATS. I got melancholy, and I got tears in my eyes. I called him on a Saturday afternoon and said, "You can't leave. I can't go forward in the Senate without you." I found out that he and Marcia had been playing tennis on a nice clay tennis court instead of being out campaigning in the backwoods somewhere. And, somehow or other, it seemed okay.

He is leaving the Senate, but he is not leaving us. I have a feeling that he is going to have a real influence in many ways for the rest of his life, and he is going to stay close to all of us.

So on a very personal basis on behalf of the Senate, I wish you God's grace in everything you do, DAN COATS.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to add to the wonderful words that were said about Senator DAN COATS by our distinguished majority header. He has affected many of us. I think by his example we have all been enriched in this body, and in the U.S. Congress. We thank him very much.

BANKRUPTCY REFORM ACT OF 1998

Mrs. HUTCHISON. Mr. President, I rise to talk about the bankruptcy reform bill that we have just proceeded to and to say that this is a very important reform bill.

I want to commend Senator CHUCK GRASSLEY for the work he has done on this bill and to specifically talk about one part of this bill which was very important to me. That is the homestead exemption that is a part of the Texas Constitution.

I worked with Senator GRASSLEY and Senator HATCH when this bill was coming to the floor earlier this month to make sure that, by the time the bill was finished, it would take into account those States that have constitutional provisions, as my State does, which provide for some sort of homestead exemption.

In my home State of Texas, we have had a homestead exemption under our bankruptcy laws and in the constitution since the 1840s, actually; this is not something that has come about lately. But because many farmers and ranchers were very worried about losing their livelihoods if they ever got into a temporary situation—they were worried that they would lose their ability to maintain their families and their livelihoods—so we have a constitutional provision. It was important to me that we keep it.

The first bill that passed out of the Senate did not have that. But I had the assurance of Senator GRASSLEY that he would work with me to make sure that a State like mine would not be overrun on this very important point. And, in fact, Senator GRASSLEY is true to his word. I cannot say enough good things about the fact that he kept his word to the letter. We were able to come to an agreement that kept the Texas constitutional provision for the homestead exemption intact. That is in the bill that will go forward.

I hope we will be able to pass this bill, send it to the President, put it on his desk, and that he will sign it. But if in fact that isn't the case, I hope we will be able to work on this next year to have real bankruptcy reform so that people will not be able to willingly walk away from their debts, but nevertheless that will also take into account that there are States which have constitutions about which we feel very strongly, that this is a part of our heritage. It is one that I will work tirelessly to see continued.

Mr. President, I thank the Presiding Officer. I appreciate very much the opportunity to work on this with Senator GRASSLEY and Senator HATCH. I hope we will prevail either in the next few days or in the next year.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

SENATOR WENDELL H. FORD

Mr. DASCHLE. Mr. President, as the majority leader noted, this is a bittersweet time for many of us. We bid colleagues farewell and we recall the times we have had together. In some cases, we have worked together and shared friendships for many years.

I have been asked to do something somewhat unusual tonight. I have been asked by the staff of our distinguished Senator from Kentucky, my dear friend, Senator FORD, to read a letter they have composed to him for the Congressional RECORD.

I am delighted that Senator FORD is on the floor to hear this personally.

So, as requested, I will read the letter, which was written by his staff. I know my own staff shares these feelings for Senator FORD. The letter is dated October 9, 1998.

OCTOBER 9, 1998.

DEAR SENATOR FORD: After several weeks of tributes, receptions, dinners and other special events in your honor, we're sure that a man of your humble nature is probably ready to have people quit making a fuss and let you leave town as unnoticed and as low-key as possible.

However, these weeks have given us the opportunity to hear others tell you what we've also known all along: your legacy of serving our state, your labor of love on behalf of all Americans, and the unfailing kindness you've shown during your time in the United States Senate will never be forgotten.

On top of just being a plain 'ole good boss, you've also been a mentor, a teacher, and someone we could always look up to for guidance and support, no matter the situation. But most importantly, you've been a friend to all of us.

You've given us the opportunity on a daily basis to personally witness the countless hours of hard work you put in on behalf of Kentuckians. We've seen you stay into the early morning hours here in the Senate during an all-night session, and then rush to catch an early morning plane for a commitment back home. We've seen you toil late into the night working on a conference committee, only to have you beat us into work the next morning with a smile and joke for everyone.

These are some of the things your Kentucky constituents may never have known. But at the same time, we know they've benefitted greatly from your accomplishments on their behalf and your never-ending desire to see that all Kentuckians, no matter their station, have the tools and opportunities to lead successful and productive lives.

As we've heard you say many times, it's been a good run. And we could not let today pass without letting you know how much it's meant for us to have had the opportunity to work with you, to learn from you, and have you as our favorite Senator.

Sincerely,

YOUR STAFF.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my good friend, the Democratic leader, TOM DASCHLE, for reading this letter. I didn't know it was coming.

I really do not know how to respond to it, except to thank my staff. We claim to do a lot of things around here. And if we did not have loyal, faithful, hard-working, dedicated, intelligent staff, not only in our offices but here on the floor, we would not get accomplished near as much as we do.

So I thank them from the bottom of my heart. And I hope that in the last

few days I will not get so cantankerous that they will want to expunge the RECORD of this letter.

56 BIT ENCRYPTION IS A GOOD START, BUT IS NOT ENOUGH

Mr. LOTT. Mr. President, the White House recently announced that it would allow some relaxation of its encryption export controls to allow the sale of strong encryption products to companies in the finance, insurance, and health sectors and to certain companies engaged in electronic commerce. While the specific details have yet to be articulated in revised regulations, it appears that the Administration is finally heeding Congress' calls to modernize its export control regulations. While this action is a step in the right direction, I believe the Administration is still moving too slowly and incrementally. Even with these proposed changes, there are still a number of other businesses and consumers who will not be able to utilize strong American-made encryption products. Since export restrictions will remain in place, foreign suppliers will continue to develop and sell strong encryption products in the international marketplace without real competition from U.S. providers. Putting $60 billion and over 200,000 American jobs in jeopardy over the next few years.

Unfortunately, the Administration continues to pursue an outmoded policy that supports the broad use of 56-bit encryption for the vast majority of computer users. As my colleagues are aware, the government-approved 56-bit Data Encryption Standard was recently cracked last July in just 56 hours. This is particularly alarming because it was accomplished using a single computer instead of the thousands that were linked together just a few months ago to achieve the same result in 39 days.

Fortunately, this code-breaking effort was undertaken by contest participants as part of an international challenge instead of by hackers or thieves preying on a vulnerable, unsuspecting target. It is truly scary to see how easy it is for someone's medical, financial, or personal records to be accessed and read by unauthorized persons. Ironically, the decoded message read, "It's time for those 128-, 192-, and 256-bit keys."

This feat proves what many in Congress have been stating for some time, that 56-bit encryption can no longer protect individual or corporate computer files from unauthorized access. Yet, 56- bit encryption continues to be recognized as the government standard and U.S. companies can only sell advanced encryption software and hardware to a finite community abroad. Let us be clear; the Administration's export regime affects American citizens everywhere. Whether you communicate via the Internet, or work in the technology business, you are likely to be adversely affected by the Administration's current encryption policy. A policy that does not allow the sale of strong encryption to energy suppliers, telecommunication providers, the transportation industry, human rights organizations and the vast majority of legitimate and responsible business entities and consumers throughout the globe. Ultimately, this approach promotes the use and development of weak encryption. While I welcome the White House's recent announcement to relax some export controls, the Administration's proposal simply does not go far enough.

Mr. President, it is encouraging that the Minority Leader has actively engaged himself on the encryption issue. In a floor speech last July, Senator DASCHLE agreed that America's encryption policy needs to strike a balance between privacy protections and national security and law enforcement interests. The Minority Leader recognizes that the development and use of strong encryption products promote international commerce and Internet use as well as ensure privacy and aid national security. Senator DASCHLE is also equally alarmed that, "maintaining existing encryption policies will cost the U.S. economy as much as $96 billion over the next 5 years . . ." I agree with Senator DASCHLE's comments that the Administration needs to articulate and advance an encryption agreement that is "good for consumers, good for business, and good for law enforcement and national security." Similarly, we agree that it is time to move beyond endless discussion and debate and on to a balanced and complete solution.

Mr. President, with every passing month, consumers across the globe turn to foreign suppliers for their advanced encryption needs. If a solution that reverses this trend is not found soon, then America's computer industry will fall so far behind its foreign competitors that U.S. suppliers will lose forever their technology market share to European, Asian, and other foreign manufacturers. Congress and the Administration cannot allow this happen.

As Senator DASCHLE pointed out, the computer industry and privacy groups are serious about reaching a compromise on encryption. In May, for example, Americans for Computer Privacy (ACP), a technology policy group, submitted a seven-point proposal to the Administration which would provide U.S. manufactures the ability to sell the kind of encryption technology that is already widely available abroad. In July, an industry consortium announced the "Private Doorbells" proposal to assist law enforcement. This proposal was a reasonable attempt to find an alternative to the White House's call for a national key escrow framework. Fortunately, the Administration finally appears to recognize that a third party key recovery system is technically unworkable and unnecessary.

I believe Congress is still interested in modernizing the Nation's encryption policy based on current realities. As Senator DASCHLE observed, several cryptography bills have been offered during this session. Clearly though, they are not all created equal. Some of these legislative proposals would turn back the clock by putting controls on domestic encryption where no such controls currently exist. Others would completely sacrifice constitutional protections by allowing law enforcement to read personal computer files without a court order and without the target ever knowing their files had been accessed. There are also proposals that would require an expensive, technically unworkable key escrow system. Finally, some members advocate linking encryption with other technology issues which could in the end result in no legislation being passed at all.

The encryption debate cannot be resolved by settling on a specific bit-length, giving particular industry sectors export relief while denying others the same, or by sanctioning one technical solution over another. Moreover, this debate will not be resolved by building secret backdoors, frontdoors or any doorways into encryption software.

Mr. President, I look forward to working further with Senator DASCHLE, my colleagues from both sides of the aisle, the Administration, and the computer industry to help close the gaps that still exist. As the Minority Leader recognizes, this is not about politics or partisanship. This is an urgent matter that requires us all to work together to forge an appropriate solution. One that balances the needs of industry, consumers, and the law enforcement and intelligence communities. In the end, we must have a consensus solution that brings America encryption policy into the 21st Century.

COMMENDING THE CENTER FOR SUSTAINABLE URBAN NEIGHBORHOODS

Mr. FORD. Mr. President, all across America, people from every walk of life carry a vision in their heads and in their hearts of the perfect community—of the kind of place where they can raise their children and their children can in turn raise their children.

There's no doubt that everyone's picture would look different, based on our own experience. But I feel certain they would have many elements in common. We want safe neighborhoods. We want to be economically secure. And we want to keep our families healthy. These are the building blocks of a

liveable community, and the City of Louisville has played an important role in helping to put them into place, serving as a model for inner-city revitalization.

The city has rehabilitated and built hundreds of housing units, they've created new jobs and businesses, and more families are building stable, productive lives. East Russell, an inner-city Louisville Neighborhood, has seized the nation's attention by creating a renaissance in that part of the city, bringing it new life and vitality. Rightfully so, this revitalization project has received attention by mayors and elected officials all over the United States.

The University of Louisville's Sustainable Urban Neighborhoods (SUN) is devoted to making inner city neighborhoods healthy and safe places to live. The project is located at the Center for Urban and Economic Research at the University of Louisville. One of the biggest accomplishments of this project has been building affordable houses for residents with a strong cooperative effort by the entire staff, including the University of Louisville, CityBank, and Telesis, along with many community organizations.

Mr. President, the SUN staff—including its Director, Dr. John Gilderbloom and students from the University of Louisville —and SUN community partners have already done so much to strengthen our inner city communities and boost the hopes and spirits of the people living there.

I would ask that my colleagues join me today in commending their work to make our cities "dream places" to live and for their continued commitment to the greater community. And as they host their conference the week of October 15th through the 17th, we wish them the best of luck in their continued efforts.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. THURMOND. Mr. President, while each of us is looking forward to adjournment so that we may go home and spend time with our constituents and being closer to our family and friends, the end of the 105th Congress is a somewhat bittersweet occasion as many of our colleagues are concluding their careers in the Senate. One member who will not be back with us in January is my friend, Senator DIRK KEMPTHORNE of Idaho.

Senator KEMPTHORNE arrived in Washington six-years-ago and very quickly established a reputation for not only being dedicated to the duties and responsibilities of his office, but for being an individual with a keen mind who approached matters before this body in a very thoughtful and deliberative manner. His opinion on issues was always well regarded and void of partisan rhetoric. Though one will never have every member of this Body agree with their position, everyone gave considerable weight to the remarks and positions of the Senator from Idaho.

One of Senator KEMPTHORNE's committee assignments was to the Armed Services Committee and I quickly spotted his leadership ability, and in a relatively short period of time, assigned him the chairmanship of the Subcommittee on Personnel. This was a demanding job, especially in this era when we are not only trying to determine what the appropriate size of the military should be, but also because of a number of highly emotional issues related to personnel matters. Regardless of the issue that was before his subcommittee, Senator KEMPTHORNE worked hard to ensure that he discharged his responsibilities impartially, and with the best interests of our men and women in uniform in mind.

Beyond earning a reputation for being an intelligent student of public policy, Senator KEMPTHORNE also earned a well deserved reputation for being a decent man. He was unfailingly polite and cordial to everyone with whom he dealt. Whether it was a witness before the Committee, a debate opponent on the Senate Floor, or one of the thousands of support staff that work in the Senate, DIRK KEMPTHORNE was pleasant, respectful, and cordial.

It is truly our loss that Senator KEMPTHORNE has decided to leave the Senate and return to Idaho, but the citizens of that state will indeed benefit when our friend is elected Governor. The ability he demonstrated for leadership and civility will serve both he and his constituents well and I am certain that Idaho will be regarded as one of the most efficiently run states in the Union before the end of his first term. My counsel to the members of this Chamber is that DIRK KEMPTHORNE is a man to keep your eye on, and frankly, I would not be surprised if he were to return to Washington one day, though to take an office that is at the opposite end of Pennsylvania Avenue. Regardless, I wish both he and his lovely wife Patricia health, happiness, and great success in the years to come, we shall miss them both.

RETIREMENT OF SENATOR DAN COATS

Mr. THURMOND. Mr. President, there is perhaps no other legislative body in the world that attracts a more competent group of public servants than the United States Senate. In the almost 45 years I have spent in this institution, I have had the good fortune to serve with a number of very capable, dedicated, and selfless individuals who have worked hard to represent their constituents and do what is best for the nation. One person who is an excellent example of the high caliber of person who is drawn to public service is my good friend and colleague, DAN COATS.

The Mid-West has the uncanny way of producing men and women of imminent sense and decency, individuals who have the ability to see to the heart of a matter and find a way to resolve a problem. Such skill is extremely valuable in the United States Senate, a body by its very design that is supposed to foster compromise between legislators on issues before the nation. Without question, DAN COATS is a Senator who worked hard to bring parties together, find common ground, and to get legislation passed. That is certainly a fine legacy with which to leave this institution.

More than being an able legislator, Senator COATS developed a strong expertise on defense matters, particularly those related to his responsibilities as Chairman of the Airland Subcommittee of the Committee on the Armed Services. In this role, Senator COATS was responsible for providing advice and helping shape policy on matters related to how to describe what the threat and future threats to our Nation are, how our military should be structured in order to guarantee our security, and what sort of ground and aviation assets our troops need in order to do our jobs. Senator COATS had to be well versed in everything from the GoreTex booties that go into the boots of our soldiers to the advanced aerodynamical concepts that are being used in the helicopters and jets being developed for our forces. Few other individuals could have mastered these disparate topics so well, and that Senator COATS was able to do so, and make it look so easy, is a testament to this man's intellect, dedication, and ability.

Without question, we are going to miss the many contributions of Senator COATS, both to the Committee and to the full Senate. He had a wry sense of humor, a civil demeanor, and a desire to serve our nation. His departure from the Senate is truly a loss, but I am confident that he will continue to find a way to serve and to make a difference. I will miss him, both as a friend and a colleague, and I would like to take this opportunity to wish both he and his lovely wife Marcia great success and happiness in all his future endeavors.

RETIREMENT OF SENATOR JOHN GLENN

Mr. THURMOND. Mr. President, though the 105th Congress will soon come to a close, and each of us will return home to meet with constituents, or take fact finding trips throughout the nation or the world, one of our colleagues has not only already left town, but is headed for a most unusual destination, that of outer space. I speak,

of course, of our friend, JOHN GLENN who is ending his career in the United States Senate.

Like most people, I first learned of JOHN GLENN in 1962 when he orbited the Earth, but when the people of Ohio elected him to this Body in 1974, I had the opportunity to come to know him personally. In the subsequent years, we worked closely together on a number of issues, especially those related to national security as we served together on the Senate Committee on the Armed Forces. Naturally, his experiences as a Marine Corps officer gave Senator GLENN valuable insight into defense matters and he played an important role on the Committee and in working to help provide for a military adequately capable of protecting the United States.

The same qualities that made JOHN GLENN a successful Marine and astronaut, served him well here in the United States Senate. Without question, he is a determined man who has earned our respect for his honor, ability, and dedication. His desire to serve our nation is an inspiration, and in keeping with the highest traditions of public service. Without question, he has set an excellent example for others to follow and it is my hope that more people, from Ohio and throughout the United States, will follow his lead and find a way to make a difference in their communities and to our nation.

Mr. President, the United States Senate will just not be quite the same place without the presence of Senator JOHN GLENN. We appreciate the many ways in which he has served so admirably and wish both he and his lovely wife Annie health, happiness, and success in the years ahead.

RETIREMENT OF SENATOR WENDELL FORD

Mr. THURMOND. Mr. President, Kentucky is famous for many things, including its bourbon and the Derby, but what I have come to associate most with the "Bluegrass State" over the past 24-years is Senator WENDELL FORD, who I regret to note is leaving the Senate at the end of the 105th Congress.

Senator FORD is a man with a deep and unwavering commitment to public service. He served in the United States Army during World War II and continued his military service as a member of the Kentucky National Guard. He has held elected office at both the state and federal levels, holding the titles of state senator and governor before being elected to the United States Senate in 1974.

Each of us understands that our primary job as Senators is to make the law, but many of us also believe that we should use our offices to help the people of our states. This is a sentiment that Senator FORD and I share, and over the years, my friend from Kentucky has worked tirelessly to help his state develop and prosper. While Kentucky, like South Carolina, is still a largely rural state, thanks in no small part to the efforts of WENDELL FORD, the people of Kentucky are enjoying opportunities and economic growth that has been substantial.

During his time in Washington, Senator FORD has held a number of key positions, both in the Senate and in political organizations. His leadership roles as an Assistant Leader and a former Committee Chairman stand as testament to both his abilities and the regard in which he is held by his peers.

I am certain that Senator FORD did not easily come to the decision to retire, but I am certain that he and his lovely wife Jean are looking forward to their new life. I wish both of them health, happiness and success in whatever endeavor they undertake.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. THURMOND. Mr. President, one of the things that makes the Senate such a unique and enjoyable place to work is the fact that there are 100 unique personalities that make up this institution. While each member takes his or her duties seriously, I hope that I do not offend anyone when I say that not all are gifted orators. One person who definitely can engage in articulate and compelling debate, and is also able to bring a little levity to our proceedings through his wit and ability to tell a story is the Senator from Arkansas, DALE BUMPERS.

First elected to the Senate in 1974, Senator BUMPERS arrived with an already well established and well deserved reputation for having a commitment to serving is constituents and our Nation. He served in the United States Marine Corps during World War II, as well as the Governor of Arkansas, having been elected to that post in 1970. Clearly, his training as the chief executive of his home State, along with experiences as a trial lawyer, gave him the skills that would make him an effective and respected Senator.

For the past more than 20-years, Senator BUMPERS has worked hard to represent his State, and in doing so, has made many valuable contributions to the U.S. Senate. I regret that we have not shared any committee assignments, but I have always respected and valued the opinions of the Senator from Arkansas. His exist from the Senate leaves this institution without one of its most impressive and effective advocates.

I am certain that DALE and his lovely wife Betty will enjoy the more deliberate lifestyle and pace that bring out of politics will afford them and I wish the both of them health, happiness and success in the years ahead.

SECRETARY OF THE NAVY JOHN H. DALTON

Mr. THURMOND. Mr. President, as the framers of the Constitution worked to lay out the foundation of the United States, they very wisely decided that the military forces of this nation should be subservient to civilian leadership. For the past 224 years, this arrangement has worked well proving the wisdom of the men who drafted the document that serves as the cornerstone of our democracy and government.

One of the reasons that civilian leadership of the military has worked so well is because Presidents search tirelessly to find qualified individuals to fill the critical positions of the service secretaries. If we were to look across the Potomac and into the "E" ring of the Pentagon, we would find a group of selfless men and women serving as the civilian leadership of America's armed forces. One of those individuals is Secretary of the Navy John H. Dalton, who will be stepping down from his position at the end of this year.

When John Dalton raised his right hand on July 22, 1993, swore his oath and became the 70th Secretary of the Navy, he came to the office well trained to discharge the duties of his new office. Not only was he a successful corporate executive with invaluable experience in managing a large organization, he graduated from the United States Naval Academy and served as an officer aboard the submarines USS Blueback and USS John C. Calhoun. Additionally, he served in the Carter Administration as a member and chairman of the Federal Home Loan Bank Board.

The challenges of essentially being the first post-Cold War Secretary of the Navy were significant. Secretary Dalton had the unenviable task of being responsible for the reshaping of the Navy and the Marine Corps to meet the security needs of the United States in a world that is no longer bi-polar. Under his direction, the Navy and the Marine Corps implemented the new doctrines of "Forward, From the Sea: Anytime, Anywhere", and "Operational Maneuver from the Sea", both which will help America meet its short and long-term tactical and strategic needs. Furthermore, Secretary Dalton worked to achieve acquisition initiatives seeking to establish practices resulting in the procurement of the best equipment for our sailors and marines, at the fairest cost to the taxpayer. The new attack submarine teaming arrangement, the DDG–51 multi-year procurement, and the testing and evaluation of the F/A–18 E/F are all examples of such successful endeavors.

Unquestionably, the Navy and Marine Corps that Secretary Dalton will turn over to his successor are institutions that have benefitted from the leadership of this charismatic and kind

Texan. His efforts have earned him the respect and accolades of people in the Congress, in the Executive Branch, in industry, in academia, and around the world, and even resulted in his being awarded with the National Security Caucus' prestigious International Leadership Award in 1997. He is the first service secretary to be recognized in this manner and his winning this award is a testament to the regard in which he is held.

Mr. President, I have worked with a lot of service secretaries in my almost 45 years in this body and I say without reservation that John Dalton is one of the finest individuals to have ever served in that capacity. He is a man of honor, ability, and dedication and he will certainly be missed. I know that everyone in this chamber joins me in wishing him "fair winds and following seas" as he completes his public service to the Department of the Navy and the United States of America.

PASSAGE OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT, S. 2392

Mr. LEAHY. Mr. President, the Y2K bill demonstrates successful bipartisanship and cooperation, and how well Congress can work together when it wants to. Under the leadership of Vice President GORE, Senators HATCH, BENNETT, DODD, THOMPSON, KYL and I, along with others, have worked with the Administration and the House of Representatives to create and pass this legislation. I thank them for their hard work and dedication to this issue.

Four-hundred and forty-nine days from now, millions of computers controlling our air traffic, recording stock and credit card transactions, running electric and telephone systems, tracking bank deposits and monitoring hospital patients may crash in befuddlement. All of this is due to the short-sighted omission of a couple of digits, a one and a nine, from computer chips. Passage of this bill is a signal to the world that by acting now, we can work together to avoid these problems.

The Year 2000 Information and Readiness Disclosure Act will not eliminate the millennium bug—regrettably, no legislation could do that. However, it will greatly increase the chances that industry, university and government experts will work cooperatively to come up with the solutions.

One of the scariest aspects of the Y2K bug has been the silence of businesses and industries in the face of this common enemy. Liability concerns have muted industry experts, dashing the best hopes for developing fixes for this problem. The Year 2000 Information and Readiness Disclosure Act was designed to overcome this isolation and create a free flow of constructive information.

The Year 2000 Information and Readiness Disclosure Act will encourage the sharing of knowledge and working together to create solutions. This bill does not give companies liability protection for their products or services. Rather, for a limited time it will provide adjusted procedures for the exchange of Year 2000 information. This is our best bet to ensuring that services and products will continue operating after midnight on December 31, 1999.

This bill also includes a provision I proposed that will assist consumers, small businesses and local governments. It charters a national information clearinghouse and website as a starting point to provide rapid and accurate information about solving Y2K problems. This will be a needed tool for small businesses, local governments and citizens so they can prepare for the millennium.

I want to thank the President and Vice President for their foresight in this issue, and the corporate leaders who worked together with us to get this done. Major industries—from telecommunications, electric, computer, transportation, energy, health, insurance and many others—pitched in and listened to each other and worked together. I congratulate and thank Senators for their unanimous support for this measure. It is reassuring to know that even in the midst of other dramas, Congress can come together to tackle fundamental issues confronting our national economy and security. I look forward to the President signing this important legislation.

NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. LEAHY. Mr. President, I am delighted that last night the Senate took up and passed H.R. 3332.

I first introduced my domain name study bill, S. 1727, on March 6, 1998. It was cosponsored by Senator ASHCROFT on May 21, 1998 and passed the Senate on June 26, 1998 as an amendment to S. 1609, Senate legislation to authorize the Next Generation Internet program. The House passed a very similar domain name study bill on September 14, 1998 as part of H.R. 3332, its legislation to authorize the Next Generation Internet program. The Senate Judiciary Committee reported out a substitute amendment to S. 1727 on September 17, 1998 that was identical to the domain name study language that is in H.R. 3332. Now, with the Senate passage of H.R. 3332, the domain name study language will be presented to the President for his signature into law.

The Leahy/Ashcroft domain name study legislation that is incorporated into H.R. 3332 authorizes the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the effects on trademark rights of adding new generic top level domain names (gTLDs), and related dispute resolution procedures.

When I first introduced this bill in March, it was, in part, a response to the Administration's Green Paper released on January 30, 1988, on the domain name system (DNS), which suggested the addition of five new generic Top Level Domains (gTLDs).

Although adding new gTLDs, as the Green Paper proposed, would allow more competition and more individuals and businesses to obtain addresses that more closely reflect their names and functions, I was concerned as were many businesses, that the increase in gTLDs would make the job of protecting their trademarks from infringement or dilution more difficult. In addition, increasing the number of gTLDs without an efficient dispute resolution mechanism had the potential of fueling litigation and the threat of litigation, with an overall chilling effect on the choice and use of domain names.

The Green Paper properly raised the important questions of how to protect consumers' interests in locating the brand or vendor of their choice on the Internet without being deceived or confused, how to protect companies from having their brand equity diluted in an electronic environment, and how to resolve disputes efficiently and inexpensively. It did not, however, answer these complex and important questions. Dictating the introduction of new gTLDs without analyzing the impact that these new gTLDs would have on trademark rights and related dispute resolution procedures seemed like putting the cart before the horse.

The Leahy/Ashcroft domain name study bill is intended to put the horse back before the cart. We should understand the effects on trademark rights of adding new gTLDs and related dispute resolution procedures before we move to add significant numbers of new gTLDs. Since its introduction in March, groups such as ATT, Bell Atlantic, Time Warner, the International Trademark Association, the Information Technology Industry Council, the Motion Picture Association of America, the Domain Name Rights Coalition, and the American Intellectual Property Law Association, amongst others, have endorsed this legislation reflected in the Leahy-Ashcroft domain name study bill.

The Administration's White Paper, released on June 5, 1988, backed off the Green Paper's earlier suggestion to add five new gTLDs. Instead, the White Paper proposes that the new corporation would be the most appropriate body to make decisions as to how many, if any, new gTLDs should be added once it has global input, including from the study called for in the Leahy-Ashcroft domain name bill. Specifically, the White Paper calls upon the World Intellectual Property Organization, *inter alia*, to "evaluate the effects, based on studies conducted by independent organizations, such as the

National Research Council of the National Academy of Sciences, of adding new gTLDs, and related dispute resolution procedures on trademark and intellectual property holders."

I commend the Administration for the deliberate approach it has taken to facilitate the withdrawal of the U.S. government from the governance of the Internet and to privatize the management of Internet names and addresses. We should have a Hippocratic Oath for the Internet—that before we adopt any new regimen that affects the Internet, we should make sure we are doing no harm to this dynamic medium.

In order for the WIPO study to be able to evaluate the effects, based on studies conducted by independent organizations, such as the NRC, of adding new gTLDs and related dispute resolution procedures on trademark rights, the Leahy/Ashcroft domain name study legislation in H.R. 3332 instructs the NRC to release an interim report that can be considered before the release of the March 1, 1999 WIPO study. I believe it beneficial, however, for the final report of the NRC to still be released after the WIPO study, so that the NRC can take into account the results and recommendations offered by the WIPO study and offer its comments on the WIPO study.

One might ask whether the NRC report is necessary, given the fact that WIPO will also be doing a study. I believe that the answer is a resounding "yes". Since the Internet is an outgrowth of U.S. government investments carried out under agreements with U.S. agencies, major components of the DNS are still performed by or subject to agreements with U.S. agencies. Examples include assignments of numerical addresses to Internet users, management of the system of registering names for Internet users, operation of the root server system, and protocol assignment. although U.S. government management of the Internet's most basic functions will soon be phased out, it is still not clear who will be running the new nonprofit corporation which, according to the Administration's White Paper, will oversee the domain name system. Moreover, the U.S. leads the world in the creation and dissemination of intellectual property. Given the U.S. interests that are at stake and the uncertainty in who will run the domain name system and how it will affect U.S. stakeholders, I think it important that a U.S. entity examine the issue of adding new gTLDs and related dispute resolution procedures on trademark rights. As important as it is for WIPO to benefit from an objective U.S. entity's perspective on this matter, I also think that an objective U.S. entity should be tasked with considering whatever recommendations are issued by WIPO.

I am therefore pleased that the Senate passed H.R. 3332 last night with the Leahy/Ashcroft domain name study bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 8, 1998, the federal debt stood at $5,540,550,647,696.94 (Five trillion, five hundred forty billion, five hundred fifty million, six hundred forty-seven thousand, six hundred forty-seven dollars and ninety-four cents).

One year ago, October 8, 1997, the federal debt stood at $5,413,433,000,000 (Four trillion, four hundred thirteen billion, four hundred thirty-three million).

Five years ago, October 8, 1993, the federal debt stood at $4,400,578,000,000 (Four trillion, four hundred billion, five hundred seventy-eight million) which reflects a debt increase of more than $1 trillion—$1,133,917,649,475.23 (One trillion, one hundred thirty-three billion, nine hundred seventeen million, six hundred forty-nine thousand, four hundred seventy-five dollars and twenty-three cents) in just 5 years.

ROBERT DIBBLEE

Mr. HATCH. Mr. President, I would like to take just a moment to note the departure later this month of my Administrative Assistant, Robert Dibblee. Robert has served as my chief of staff for four years. He previously served a number of years with our former colleague, Senator Jake Garn.

He has been my right-hand man, not only in running my office—running my life actually—but also on key land policy issues affecting Utah. I have really come to rely on him for advice and counsel as well as for accomplishing the myriad of tasks that face a Senate office.

I want to use this public forum to recognize and thank Robert for his tireless efforts behind the scenes to keep the Utah Schools and Lands Exchange Act, just passed by the Senate, on track. From the day he arrived on my staff in 1993, I knew he would make my priority his own. I should mention that the first iteration of this legislation was my bill, S. 184, introduced during the 103rd Congress. The bill was enacted into law; but, unfortunately, the required land appraisals were never carried out by the Interior Department. And, the presidential designation of the Grand Staircase-Escalante National Monument in 1996 doubled the number of acres of trust land that needed to be offset or compensated.

Robert has worked practically on a daily basis on this issue with the Utah governor's office, the Interior Department, members and staff of the Senate Energy Committee, and with the staff of my colleagues in the Utah delegation, particularly Congressman JIM HANSEN, without whose assistance as chairman of the House Resources Subcommittee we could not have passed the bill today.

During this final week, Robert worked to break several logjams that could have sunk this legislation. Throughout the consideration of this bill, he has been a steady and reliable guide for this all-important bill to support education in Utah.

Robert is moving on to be Vice President for Government Relations for the National Association of Independent Insurers. So, I say to my colleagues who do not yet know him: you will. And, you will appreciate working with him as much as I have. Robert Dibblee is a stand-up guy who does what is right and honorable; he won't try to pull the wool over your eyes; and he follows through on his commitments.

I will miss having him as an integral part of my team, but I wish him well in this new, challenging assignment.

RETIREMENT OF SENATOR WENDELL FORD

Mr. LEVIN. Mr. President, when this Congress adjourns the Senate will lose its distinguished Minority Whip, the senior Senator from Kentucky, WENDELL H. FORD. WENDELL FORD has earned a reputation as the Senate's leader on aviation matters, and has long been one of the most influential members of the Senate on energy and election reform issues. He has battled for campaign finance reform legislation and led the fight for the "motor voter" bill which has expanded voter registration across the country.

There is no member of the Senate more well-liked by his colleagues than WENDELL FORD. However, I have often thought that one of the true measures of a Senator is how she or he relates to staff members, workers and other visitors to our nation's capital. WENDELL FORD is among the most beloved.

I think back to one particular incident. A member of my staff had brought his 5-year old son to work for the day. The staff member, needing to attend an important meeting, left his son to play with paper, crayons and stapler, under the supervision of several co-workers. He returned to find his son no longer at the desk where he had been left. A quick search followed. The young boy was found just outside the office in the Senate hallway where he had stopped Senator WENDELL FORD and attempted to sell him a book (artful pages of crayon scribbles, stapled together) for a nickel. Senator FORD was in the act of earnestly requesting two and trying to convince the young man to accept a dime as superior to the requested nickel.

Last March, WENDELL FORD became the longest serving senator from Kentucky in the history of the U.S. Senate when he surpassed another beloved Kentuckian, Alben Barkley.

WENDELL FORD is unsurpassed in many things: He is unsurpassed in his love of family, love of country and love of the U.S. Senate. He is unsurpassed in his efforts to be helpful to new members. How many times he has set aside personal needs or took the time to help newcomers to this body to weather the self doubts or maneuver through the complex procedures.

WENDELL FORD is unsurpassed in his commitment to the hard working families whom are the backbone of this nation and in his passion for the "little guy".

Mr. President, to me, the story I told of the little boy in the Senate hall characterizes WENDELL FORD. WENDELL is a genuine, kind, straight-forward and thoughtful man as well as an effective national leader. All of us in the United States Senate and our families will miss the inimitable WENDELL FORD and his wife, Jean.

RETIREMENT OF SENATOR DAN COATS

Mr. LEVIN. Mr. President, when the Congress ends, Senator DAN COATS of Indiana will retire from the Senate. DAN COATS and I have served together on the Armed Services Committee and the Senate Select Committee on Intelligence.

On the Armed Services Committee, DAN COATS has served ably as the Chairman of the Airland Forces Subcommittee. He is a forceful proponent of a strong national defense and has consistently supported efforts to assure that our men and women in the military remain the best trained and equipped in the world.

Although DAN COATS was one of the leading proponents in the Senate of the version of the line-item veto which was passed and signed into law, and I joined with Senators BYRD and MOYNIHAN in arguing in an amicus curiae brief to the Supreme Court that that legislation was unconstitutional, I greatly respected the diligence and integrity with which he fought that battle.

My friend from Indiana and I have worked together for several years to prevent our states and communities from becoming dumping grounds for solid waste from other areas of the country and outside the country. He has been a persistent advocate of giving states and local governments the power to stem the flow of garbage flooding into their jurisdictions. I would like to thank him for all he has done on this matter, hopefully paving the way to a resolution which will give more power to the people whose quality of life is being harmed by a free interstate flow of trash.

Mr. President, DAN COATS' outstanding service as a United States Senator came as no surprise to me or my constituents. He was born and raised in Jackson, Michigan and naturally this has prepared him, like most Michiganders, to excel in life. However, even though he has wandered off to Indiana, and wandered even further into the GOP, I have enjoyed the opportunities which I have had to work with DAN COATS and will miss his friendship next year.

RETIREMENT OF SENATOR JOHN GLENN

Mr. LEVIN. Mr. President, when the 105th Congress adjourns sine die in the next few days, the Senate will lose one of our nation's true heroes, and one of my personal heroes, Senator JOHN H. GLENN, Jr. of Ohio. I rise today to pay tribute to this great American, a man I feel genuinely honored to call my friend.

All of us old enough to remember JOHN GLENN's flight into orbit around the earth on February 20, 1967 aboard Friendship 7 stand in awe of his courage and strength of character. But this enormous accomplishment followed on a distinguished record of heroism in battle as a Marine officer and pilot. He served his country in the Marine Corps for 23 years, including his heroic service in both World War II and the Korean conflict. And, in turn, his remarkable accomplishment in the history of space flight has been followed by an extraordinary Senate career over the past 24 years, as the only Ohio Senator in history to serve four consecutive terms.

For the 20 years that I have been in the Senate, I have served side by side with JOHN GLENN in both the Governmental Affairs Committee which he chaired for many years and now serves as Ranking Minority Member and the Armed Services Committee where he serves as the Ranking Minority Member of the Subcommittee on Airland Forces. More recently, I have served with JOHN GLENN on the Senate Select Committee on Intelligence. This has given me a front row seat to watch one of the giants of the modern day U.S. Senate do the hard, grinding work of legislative accomplishment.

Over the years, JOHN GLENN has led the fight for efficiency in government, for giving the American people more bang for that tax "buck". He was the author of the Paperwork Reduction Act. He has worked to streamline federal purchasing procedures, and led the fight to create independent inspectors general in federal agencies. He was the point man in the Senate for the Clinton Administration's battle to reduce the size of the federal workforce to the lowest levels since the Kennedy Administration. He and I have fought side by side to block extreme efforts to gut regulatory safeguards in the name of reform and for the passage of a sensible approach to regulatory reform to restore confidence in government regulations. Throughout his career, JOHN GLENN has made himself an enemy of wasteful spending and bureaucracy, yet a friend of the dedicated federal worker.

JOHN GLENN has steadfastly served as a powerful advocate for veterans. He led the effort to bring the Veterans Administration up to cabinet-level and to provide benefits to veterans of the Persian Gulf conflict.

On the Armed Services Committee, JOHN GLENN has brought his enormous credibility to bear time and again both in that Committee and on the Intelligence Committee on the side of needed programs and weapons and against wasteful and unnecessary ones like the B-2 bomber.

Perhaps JOHN GLENN's most important role, however, has been as the author of the Nuclear Non-Proliferation Act and as the Senate's leader in fighting the proliferation of nuclear weapons around the world. In this area, the Senate will sorely miss his clear vision, eloquent voice and consistent leadership.

Mr. President, JOHN GLENN, of course, has remained the strongest and most effective voice in the Senate for the nation's space program. Many of us will be on hand to watch the launch of his second NASA mission later this month, 31 years after the first. At age 77, JOHN GLENN has volunteered to go back into space to test the effects of weightlessness on the aging process, and once again inspires our nation and sets an example for us all—an example of courage, character, sense of purpose, and, yes, adventure.

No person I've known or know of has worn his heroism with greater humility. JOHN GLENN is, to use a Yiddish word, a true mensch, a good and decent man.

JOHN GLENN and his beloved wife, Annie, are simply wonderful people. They, their children and grandchildren are the All-American family. My wife Barbara and I will keenly miss JOHN and Annie Glenn as they leave the Senate family.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. LEVIN. Mr. President, the United States Senate is about to lose one of the great orators of its long history. I never had the opportunity, of course, to hear Webster or Clay or Calhoun. But, I have heard DALE BUMPERS of Arkansas on the Senate floor and it's hard to imagine anyone could have been a more forceful, eloquent, or effective speaker.

I was reminded recently by a former staff member of one debate in particular. The issue was the proposed real estate development in Northern Virginia at the site of the Second Battle of Manassas. The debate had stretched into a Friday evening and a larger than usual number of Senators were on the

floor. The manager had made an effective presentation when DALE BUMPERS, the author of a more restrictive version of the bill rose to speak.

Knowing that many of his colleagues love history, DALE BUMPERS using detailed maps laid out the story of the Second Battle of Manassas more than a hundred years ago. Every Senator on the floor that night listened with rapt attention. As he reached the climax of his performance, DALE BUMPERS said:

"Well, I could go on and on, but I want to just simply say . . . I believe strongly in our heritage, and I think our children ought to know where these battlefields are and what was involved in them. And, I don't want to go out there ten years from now with my grandson and tell him about the Second Battle of Manassas . . . and he says, "Grandpa, wasn't General Lee in control of this war here—didn't he command the confederate troops.?"

"Yes, he did."

"Well, where was he?"

"He was up there where that shopping mall is."

Senator BUMPERS then said, "I can see a big granite monument inside that mall's hallway right now: 'General Lee Stood On This Spot'. Now if you really cherish our heritage, as I do, and you believe that history is very important for our children, you'll vote for my amendment."

Rarely in the modern Senate do we see issues actually decided in debate on the floor. But, I suspect that that night I watched DALE BUMPERS, with that speech, win the "Third Battle of Manassas".

DALE BUMPERS has served in the Senate for four terms. He has been one of the most consistent voices for elimination of wasteful government spending. We will all miss his leadership in efforts to reform federal mining law and grazing fees. His battles against the Clinch River Breeder Reactor which he won in 1984, the superconducting super collider which he finally won in 1993 and the space station which he did not win, have become legendary.

DALE BUMPERS and I both take pride in the fact that we were among the few Senators to vote against the Reagan tax cut and unfunded defense buildup of 1981 which together led to the huge deficits of the 1980's.

DALE would have made a great President because he is a person whose clarity of expression is matched by the courage of his vision and his committment to America's working families.

Mr. President, when the 106th Congress convenes next year, the Senate will seem an emptier body in the absence of one of its most memorable leaders and all of us in the Senate family with miss DALE and Betty Bumpers.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. LEVIN. Mr. President, I rise to pay tribute to a colleague and friend who will be leaving the Senate when the 105th Congress adjourns, DIRK KEMPTHORNE, the junior senator from Idaho.

I have served with DIRK KEMPTHORNE on both the Armed Services and Small Business Committees where I have come to respect his thoughtfulness, dedication and hard work.

DIRK KEMPTHORNE has been a valuable member of the Armed Services Committee where he has served as the Chairman of the Personnel Subcommittee. As Chairman, he has demonstrated a commitment to the welfare of our men and women in uniform and their families.

Senator KEMPTHORNE joined with Senator BYRD in initiating the Congressional Commission on Military Training to examine issues related to basic training of men and women which will give its best advice to the Congress next year on whether current practices should be changed.

While I didn't agree with DIRK KEMPTHORNE on many of the specifics of his Unfunded Mandate legislation in 1995, I, like many of my colleagues in the Senate, was greatly impressed with the manner in which he managed the bill and his command of the complex details.

Mr. Chairman, in the United States Senate we are called upon to work with colleagues of many differing points of view. While DIRK KEMPTHORNE and I sit on separate sides of the aisle and sometimes disagree on issues before the Senate, it has always been a pleasure to deal with him. He is always an able advocate for his position, and always a gracious gentleman.

WHY THE FLAG AMENDMENT DEBATE IS APPROPRIATE NOW

Mr. HATCH. Mr. President, I would like to make a few very brief remarks about our inability to get a time agreement on the flag amendment, and respond to the assertion that it is somehow inappropriate to debate this important issue at this time. I think it is entirely appropriate that we debate the constitutional amendment to protect our flag at this time in the year. There is no better time than the present to discuss the values the flag represents: the unity and common values of all Americans.

The flag amendment should, like the flag itself, unite us. And it does unite Americans of both parties. This amendment is cosponsored by 61 Members of the Senate, Republicans and Democrats. Senator CLELAND, a war hero, who has sacrificed much, and who is a Democrat, is the primary cosponsor.

And ultimately, all we supporters of the amendment are asking for is a chance to let the American people decide whether to protect the flag by debating the amendment in ratification debates in each of the State legislatures. And the people clearly want the flag amendment. Forty-nine State legislatures have called for the flag amendment. And polling has consistently shown that more than three-quarters of the American people have consistently supported a flag amendment over the years since the Supreme Court's fateful decision in Texas versus Johnson in 1989.

Mr. President, I believe this legislation not only is vital to protect our shared values as Americans, but this debate is also timely today as we all strive to recover what is good and decent about our country.

Mr. President, we see evidence of moral decay and a lack of standards all around us. Behavior that was once found to be shameful is now routinely excused because "everybody does it." Our popular culture, including movies and television, bombard us with messages of gratuitous sex and violence. Even sports figures too often set a terrible example for the young people that follow their every move.

And yet here today we have a unique opportunity to do something uplifting, something decent, something that will make our country proud. We have an opportunity to say to a few exhibitionists and anarchists that in pursuit of your fifteen minutes of fame, you may not deface the most sacred embodiment of the virtues of our country. You may not dishonor the memory of those millions of men and women who have given their lives for America. You may not yet again lower standards of elemental decency that all of must and should live by. Today, we will say that our flag, the embodiment of so many of our hopes and dreams, can no longer be dragged through the mud, torn asunder, or defecated on.

Can anyone think of a better message to send to our citizens and to our young people than to begin to reclaim appropriate standards of behavior for everyone in this country? Mr. President, there will be those who will decry this discussion as a distraction from "real" and "important" matters of taxes and budgets and regulation and other Federal programs. These issues are important and the Congress must deal with them. But that should not obscure our inattention to the "values deficit" that exists in public life today. We need more public conversation about values and standards. We must take every opportunity to set the right behavioral standards for our children, lest we become a nation of cynics who snicker every time someone tries to reinstill virtue into public life.

And so, Mr. President, not only is this discussion appropriate today, but it is critical. I can think of no more important conversation we can have in

America than how we use American liberty to promote public virtue.

Protecting the American flag from physical desecration is a small but important way to begin this important debate.

Now, having said all that, I am disappointed that opponents of the flag amendment have rejected a reasonable time agreement, without even offering an alternative time agreement. I would be interested to know what would be acceptable.

Finally, if it should be the case that we are not going to debate the flag amendment this year, and that is how it appears, I believe we should bring it up early in the new Congress, and debate and vote on it at the earliest opportunity next year. I want my colleagues to know that I will be back next year and I will trust that this important matter will be acted on early in the next session. The American people want the opportunity to debate the flag amendment in the States, and I believe we should listen to the people on this.

FAILURE TO ACHIEVE JUVENILE CRIME LEGISLATION

Mr. HATCH. Mr. President, I would like to briefly discuss an issue of great importance to the Senate and the nation—juvenile crime. Over the past weeks, we have been working hard to try to reach consensus on comprehensive legislation to address juvenile crime in our nation. I am disappointed to report to my colleagues that we have fallen short in that effort.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, as our juvenile drug abuse rate continues to climb. In 1996, juveniles accounted for nearly one fifth—19 percent—of all criminal arrests in the United states. Persons under 18 committed 15 percent of all murders, 17 percent of all rapes, and 32.1 percent of all robberies.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

In short, our juvenile crime problem has taken a new and sinister direction. But cold statistics alone cannot tell the whole story. Crime has real effect on the lives of real people. Recently, I read an article in the Richmond Times-Dispatch by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem, and I ask unanimous consent that it be printed in the RECORD following my remarks.

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

Mr. HATCH. Mr. President, let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says "when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached * * *." This a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when "the fabric of civility is rent."

This is the reality that has driven me to work even up to the closing hours of the session to address this issue. For nearly a year, the Senate has had before it comprehensive youth violence legislation. S. 10, the Hatch-Sessions Violent and Repeat Juvenile Offender Act, was reported out of the Judiciary Committee last year on bipartisan vote, two to one vote. This legislation would have fundamentally reformed the role played by the federal government in addressing juvenile crime in our Nation. It was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance.

S. 10 was reported on a bipartisan, two to one vote. Indeed, among members of the Youth Violence Subcommittee, the vote was seven to two in favor of the bill. Our reform proposal included the best of what we know works. It combined tough measures to protect the public from the worst juvenile criminals, smart measures to provide intervention and correction at the earliest acts of delinquency, and compassionate measures to supplement and enhance extensive existing prevention programs to keep juveniles out of the cycle of crime, violence, drugs, and gangs.

All too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson—what behavior will be tolerated.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto threft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. That is why we seek to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. As Ms. Cornwell recently wrote, "our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. . . . When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill again if they are returned to our neighborhoods and schools." I couldn't have said it any better.

Meaningful reform also requires that juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not available in NCIC, the national system that tracks adult criminal records. Ms. Cornwell again cogently explains what this means: "If a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then, he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony

in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you."

So the reform we sought also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Mr. President, I believe that we all agree that it is far better to prevent the fabric of civility from being rent than to deal with the aftermath of juvenile crime.

I have been involved in this fight for over three years now. Rarely have I found an issue over which interest group opponents were more determined to block needed reforms through distortions of the record.

In no small measure, in my view, this harmful posturing has brought us to where we are today—just short of achieving important reform legislation. I believe that we must look to the greater good, and limit—in the interests of our children and public safety—the posturing which too often infects criminal justice issues.

Let me take just a moment to acknowledge the efforts of members on both sides of the aisle who have worked in good faith to try and address this issue in a responsible manner. Senator LEAHY and Senator BIDEN deserve enormous credit. And I want to particularly thank Senator SESSIONS, the Chairman of our Youth Violence Subcommittee for his many months of determined work. We will be back on this issue next Congress. It will not go away, any more than the problem will go away until we address it. So, I will be urging the Majority Leader, when he sets our agenda for next year, to make enacting a responsible juvenile crime bill among our top legislative priorities in the 106th Congress. Mr. President, I thank my colleagues and yield the floor.

EXHIBIT 1

WHEN THE FABRIC IS RENT

(By Patricia Cornwell)

There was a saying in the morgue during those long six years I worked there. When a person is touched by violence, the fabric of civility is forever rent, or *ripped* or *breached*, whatever word is most graphic to you.

Our country is the most violent one in the free world, and as far as I'm concerned, we are becoming increasingly incompetent in preventing and prosecuting cruel crimes that we foolishly think happen only to others. There was another saying in the morgue. The one thing every dead person had in common in that place was he never thought he'd end up there. He never imagined his name would be penned in black ink in the big black book that is ominously omnipresent on a counter top in the autopsy suite.

I have seen hundreds, maybe close to a thousand dead bodies by now, many of them ruined by another person's hands. I return to the morgue at least two or three times a year to painfully remind myself that what I'm writing about is awful and final and real.

I suffer from nightmares and don't remember the last time I had a pleasant dream. I have very strong emotional responses to crimes that have nothing to do with me, such as Versace's murder, and more recently, the random shooting deaths of Capitol Police Agent John Gibson and Officer Jacob Chestnut. I can't read sad, scary or violent books. I watched only half of *Titanic* because I cold not bear its sadness. I stormed out of Ann Rice's *Interview With A Vampire*, so furious my hands were shaking because the movie is such an outrageous trivialization and celebration of sexual violence. For me the suffering, the blood, the deaths are real.

I'd like to confront Ann Rice with bitemarks and other sadistic wounds that are not special effects. I'd like to sentence Oliver Stone to a month in the morgue, make him sit in the cooler for a while and see what an audience of victims has to say about his films. I'd like O.J. Simpson to have a total recall and suffer, go broke, be ostracized, never allowed on a golf course again. I was in a pub in London when that verdict was read. I'll never forget the amazed faces of a suddenly mute group of beer-drinking Brits, or the shame of my friends and I felt because in America it is absolutely true. Justice is blind.

Justice has stumbled off the rod of truth and fallen headlong into a thicket of subjective verdicts where evidence doesn't count and plea bargains that are such a bargain they are fire sales. I've begun to fear that the consequences and punishment of violent crime have become some sort of mindless multiple choice, a *Let's Make A Deal*, a *Let's microwave the popcorn and watch Court TV*.

I have been asked to tell you what my fictional character Dr. Scarpetta would do if she were the crime czar or Virginia, of America. Since she and I share the same opinions and views, I am stepping out from behind my curtain of imagined deeds and characters and telling you what I feel and think.

It startles me to realize that at age 42, I have spent almost half my life studying crime, of living and working in it's pitifully cold, smelly, ugly environment. I am often asked why people cheat, rob, stalk, slander, main and murder. How can anybody enjoy causing another human being or any living creature destruction and pain? I will tell you in three words: Abuse of power. Everything in life is about the power we appropriate for good or destruction, and the ultimate overpowering of a life is to make it suffer and end.

This includes children who put on camouflage and get into the family guns. We don't want to believe that 12, 13, 16 year old youths are unredeemable. Most of them aren't. But it's time we face that some of them have transgressed beyond forgiveness, certainly beyond trust. Not all victims I have seen pass through the morgue were savaged by adults. The creative cruelty of some young killers is the worst of the worst, images of what they did to their victims ones I wish I could delete.

About a year ago, I began researching juvenile crime for the follow-up of *Hornet's Nest* (*Southern Cross*, January, '99) and my tenth Scarpetta book (unfinished and untitled yet). This was a territory I had yet to explore. I was inspired by the depressing fact that in the last ten years, shootings, hold-ups at ATM's, and premeditated murders committed by juveniles have risen 160 percent. As I ventured into my eleventh and twelfth novels, I wondered what my crusading characters would do with violent children.

So I spent months in Raleigh watching members of the Governor's Commission on Juvenile Crime and Justice debate and rewrite their juvenile crime laws, as Virginia did in 1995 under the leadership of Jim Gilmore. I quizzed Senator ORRIN HATCH about his youth violence bill, S. 10, a federal approach to reforming a juvenile justice system that is failing our society. I toured detention homes in Richmond and elsewhere. I sat in on juvenile court cases and talked to inmates who were juveniles when they began their lives of crime.

While it is true that many violent juveniles have abuse, neglect, and the absence of values in their homes, I maintain my belief that all people should be held accountable for their actions. Our first priority should be to keep our communities safe. We must remove violent people from our midst, no matter their age. As Marcia Morey, executive director of North Carolina's juvenile crime commission, constantly preaches, "We must stop the hemorrhage first."

When the trigger is pulled, when the knife is plunged, kids aren't kids anymore. We should not shield and give excuses and probation to violent juveniles who, odds are, will harm or kill again if they are returned to our neighborhoods and schools. We should not treat young violent offenders with sealed lips and exclusive proceedings.

"The secrecy and confidentiality of our system have hurt us," says Richmond Juvenile and Domestic Relations District Court Judge Kimberly O'Donnell. "What people can't see and hear is often difficult for them to understand."

Virginia has opened its courtrooms to the public, and Judge O'Donnell encourages people to sit in hers and see for themselves those juveniles who are remorseless and those who can be saved. Most juveniles who end up in court are not repeat offenders. But for that small number who threaten us most, I advocate hard, non-negotiable judgement. Most of what I would like to see is already being done in Virginia. But we need juvenile justice reform nationally, a system that is sensible and consistent from state to state.

As it is now, if a juvenile commits a felony in Virginia, when he turns 18 his record is not expunged and will follow him for the rest of his days. But were he to commit the same felony in North Carolina, at 16 he'll be released from a correctional facility with no record of any crime he committed in that state. Let's say he's back on the street and returns to Virginia. Now he's a juvenile again, and police, prosecutors, judges or juries will never know what he did in North Carolina.

If he moves to yet another state where the legal age is 21, he can commit felonies for three or four more years and have no record of them, either. Maybe by then he's committed fifteen felonies but is only credited with the one he committed in Virginia. Maybe when he becomes an adult and is violent again, he gets a light sentence or even probation, since it appears he's committed only one felony in his life instead of fifteen. He'll be back among us soon enough. Maybe his next victim will be you.

If national juvenile justice reform were up to me, I'd be strict. I would not be popular with extreme child advocates. If I had my way, it would be routine that when any juvenile commits a violent crime, his name and personal life are publicized. Records of juveniles who commit felonies should not be expunged when the individual becomes an adult. Mug shots, fingerprints and the DNA of violent juveniles should, at the very least, be available to police, prosecutors, and schools, and if the young violent offender has an extensive record and commits another

crime, plea bargaining should be limited or at least informed.

Juveniles who rape, murder or commit other heinous acts should be tried as adults, but judges should have the discretionary power to decide when this is merited. I want to see more court-ordered restitution and mediation. Let's turn off the TV's in correctional centers and force assailants, robbers, thieves to work to pay back what they've destroyed and taken, as much as that is possible. Confront them with their victims, face to face. Perhaps a juvenile might realize the awful deed he's done if his victim is suddenly a person with feelings, loved ones, scars, a name.

Prevention is a more popular word than punishment. But the solution to what's happening in our society, particularly to our youths, is simpler and infinitely harder than any federally or private funded program. All of us live in neighborhoods. Unless you are in solitary confinement or a coma, you are aware of others around you. Quite likely you are exposed to children who are sad, lost, ignored, neglected or abused. Try to help. Do it in person.

I remember my first few years in Richmond when I was living at Union Theological Seminary, where my former husband was a student and I was a struggling, somewhat failed writer. Charlie and I spent five years in a seminary apartment complex where there was a little boy who enjoyed throwing a tennis ball against the building in a staccato that was torture to me.

I was working on novels nobody wanted and every time that ball thunked against brick, I lost my train of thought. I'd popped out of my chair and fly outside to order the kid to stop, but somehow he was always gone without a trace, silence restored for an hour or two. One day I caught him. I was about to reprimand him when I saw the fear and loneliness in his eyes.

"What's your name?" I asked.

"Eddie," he said.

"How old are you?"

"Ten."

"It's not a good idea to throw a ball against the building. It makes it hard for some of us to work."

"I know." He shrugged.

"If you know, then why do you do it?"

"Because I have no one to play catch with me," he replied.

My memory lit up with acts of kindness when I was a lonely child living in the small town of Montreat, North Carolina. Adult neighbors had taken time to play tennis with me. They had invited me, the only girl in town, to play baseball or touch football with the boys.

Billy Graham's wife, Ruth, used to stop her car to see how I was or if I needed a ride somewhere. Years later, she befriended me when I was a very confused teenager who felt rather worthless. Were it not for her kindness and encouragement, I doubt I would be writing this editorial. Maybe I wouldn't have amounted to much. Maybe I would have gotten into serious trouble. Maybe I'd be dead.

Eddie and I started playing catch. I gave him tennis lessons and probably ruined his backhand for life. He told me all about himself and amused me with his stories. We became pals. He never threw a tennis ball against the building again.

We must protect ourselves from all people who have proven to be dangerous. But we should never abandon those who can be helped or are at least are worthy of the effort. If you save or change one life, you have added something priceless to this world. You have left it better than you found it.

ADVANCED AVIONICS SUBSYSTEMS PROGRAM

Mr. WARNER. There is an issue involving the Navy's progress with the Advanced Avionics Subsystems project that should have been addressed in the conference report accompanying the fiscal year 1999 National Defense Authorization Act. Would the Senator from Pennsylvania care to enter into a colloquy regarding this issue.

Mr. SANTORUM. I thank the Senator from Virginia and would be happy to engage in a colloquy. The conferees noted the Navy's progress with the Advanced Technology Avionics Subsystems project as exemplified by its recent demonstration using Commercial-off-the-Shelf (COTS) technologies for avionics applications. The conferees were aware of the difficulties associated with using and integrating commercial technologies and recognized the merit of the project which is designed to develop viable solutions for transitioning affordable technologies.

Mr. WARNER. Because this project has been successful in identifying obstacles and rendering usable solutions for the implementation of COTS technologies, does the Senator concur with the recommendation that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall and to fund the project at its prior years' level?

Mr. SANTORUM. Yes, for the reasons that the Senator from Virginia gave, I recommend that the Department of the Navy consider reprogramming funds to provide for the current year's shortfall for the Advanced Technology Avionics Subsystems project and to fund the project at its prior years' level.

Mr. THURMOND. I have been listening to the colloquy between the Senator from Virginia and the Senator from Pennsylvania and I wish to say that I agree with their remarks with respect to the Advanced Technology Avionics Subsystems project.

Mr. WARNER. I thank the Senator from Pennsylvania and the Senator from South Carolina.

THE NOMINATION FOR THE TREASURY INSPECTOR GENERAL

Mr. ROTH. Mr. President, I would like to report out from the Finance Committee the Administration's nomination of David C. Williams to be the Inspector General for the Treasury Department. The nomination hearing for Mr. Williams was held on September 24, 1998.

The Inspector General Act of 1978, as amended, grants the independence and authority for an Inspector General to conduct audits and investigations to (1) detect waste, fraud or abuse, and (2) promote economy and efficiency in agency programs and operations. I, for one, deeply believe in the IG concept and support the important role an Inspector General must carry out. It is often a very tough and demanding job.

The Treasury Inspector General is an extremely critical position that is responsible for overseeing several Treasury agencies, including three law enforcement bureaus, namely, the U.S. Customs Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms. The previous Inspector General resigned as a result of an investigation conducted by Senator SUSAN COLLINS' Permanent Subcommittee on Investigations (PSI). PSI determined that the IG broke the law twice concerning two contracts and identified significant mismanagement within the Treasury IG's Office.

The Treasury IG's Office has been a very troubled agency because of bad leadership. It is, therefore, an absolute requirement for the next Treasury Inspector General to be an individual with a proven track record as a strong, effective manager and leader, one who will engage in aggressive—but fair—oversight, and one who will carry out their duties with the utmost integrity. Such behavior as demonstrated by the previous Inspector General will not be tolerated. As the watchdog for the Treasury Department, the Inspector General must set a good ethical example.

Mr. Williams began his career in the Federal Government in 1975 as a Secret Service Agent. In 1979, he went to work for the Labor Department's Office of Inspector General in the Office of Labor Racketeering, where he served as Special Agent in Charge for two field offices and later as the Field Director.

During that time, Mr. Williams also served on President Reagan's Commission on Organized Crime. In 1986, Mr. Williams became the first Director for the Office of Special Investigations for the General Accounting Office. In 1989, Mr. Williams was nominated by President Bush to be the first Inspector General for the Nuclear Regulatory Commission.

In 1995, President Clinton nominated Mr. Williams to be the first Inspector General for the Social Security Administration; Mr. Williams became the SSA, IG in 1996. Since June 1998, Mr. Williams has been serving as a Senior Advisor at the Treasury Inspector General's Office.

Mr. Williams' background as the Inspector General for two Government agencies, as well as his investigator background, is clearly representative of the qualifications needed to be the Treasury Inspector General. The Senate Finance Committee intends to monitor the progress of this agency as it gets back on track in accomplishing its mandated mission.

TRIBUTE TO SENATOR JOHN GLENN, A TRUE AMERICAN HERO

Mr. JOHNSON. Mr. President, I rise today to pay tribute to a special colleague and a true American hero, JOHN GLENN of Ohio.

During his distinguished career, Senator GLENN has used his boundless energy and expertise to work for effective and efficient government and world peace. He is one of our most beloved national figures and a role model to people of all ages and all backgrounds from all over the world.

I was a teenager when the nation watched in awe as JOHN GLENN became the first American to orbit the earth. I never would have guessed during those spectacular early days of the space program that someday I would have an office next to his in the United States Senate. It has been my great privilege to serve with him and to know him as both a friend and a colleague.

Today, he is at Cape Canaveral preparing to visit space again. I know my colleagues share in my admiration and pride for Senator GLENN as he boldly goes once more into space. I wish him an exciting journey, a safe return and wonderful retirement.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT—MESSAGE FROM THE PRESIDENT—PM 161

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "(CACR"), to provide for specific licensing on a case-by-case basis for certain transctions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period January 1 through June 30, 1998, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formerly, American Telephone and Telegraph Company)	$12,795,658
AT&T de Puerto Rico	292,229
Global One (formerly, Sprint Incorporated)	3,075,733
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,402,634
MCI International, Inc. (formerly MCI Communications Corporation)	8,468,743
Telefonica Larga Distancia de Puerto Rico, Inc.	129,752
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	4,983,368
WorldCom, Inc. (formerly LDDS Communications, Inc.)	5,371,531
	39,519,648

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 8, 1998.*

MESSAGES FROM THE HOUSE

At 12:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2109. An act to amend the Federal Election Campaign Act of 1971 to require reports filed under such Act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt.

H.R. 2263. An act to authorize and request the President to award the Congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

H.R. 4364. An act to streamline the regulation of depository institutions, to safeguard confidential banking and credit union supervisory information, and for other purposes.

H.R. 4506. An act to provide for United States support for developmental alternatives for underage child workers.

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution recognizing the importance of children and families in the United States and expressing support for the goals of National Kids Day and National Family Month.

H. Con. Res. 309. Concurrent resolution condemning the forced abduction of Ugandan children and their use as soldiers.

The message further announced that the House has passed the following bills and joint resolution, without amendment:

S. 890. An act to dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

S. 1021. An act to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 2232. An act to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes.

S. 2561. An act to amend the Fair Credit Reporting Act with respect to furnishing and

using consumer reports for employment purposes.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes.

The message also announced that the Houses agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1853) to amend the Carl D. Perkins Vocation and Applied Technology Education Act.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

The message announced that the House agrees to the amendments of the Senate to the bill (H.R. 2675) to require that the Office of Personnel Management submit proposed legislation under which group universal life insurance and group variable universal life insurance would be available under chapter 87 of title 5, United States Code, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3694. An act to authorize appropriations for fiscal year 1999 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3790. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3874) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 346. Concurrent resolution to correct the enrollment of the bill H.R. 3150.

At 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 4052. An act to establish designations for United States Postal Service buildings located in Coconut Grove, Opa Locka, Carol City, and Miami, Florida.

The message also announced that Houses has passed the following bill, without amendment:

S. 1298. An act to designate a Federal building located in Florida, Alabama, as the "Justice John McKinley Federal Building."

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 459. An act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

At 6:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 133. Joint resolution making further appropriations for the fiscal year 1999, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following bill and joint resolution:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

H.J. Res. 133. Joint resolution making further appropriations for the fiscal year 1999, and for other purposes.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 9, 1998, he had presented to the President of the United States, the following enrolled bill:

S. 2022. An act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2402) to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College (Rept. No. 105–383).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2413) to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park (Rept. No. 105–384).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2401) to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historic Park (Rept. No. 105–385).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 991) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes (Rept. No. 105–386).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1960) A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation (Rept. No. 105–387).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2247) to permit the payment of medical expenses incurred by the U.S. Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes (Rept. No. 105–388).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2257) to reauthorize the National Historic Preservation Act (Rept. No. 105–389).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2284) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 105–390).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon (Rept. No. 105–391).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 2411) to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission (Rept. No. 105–392).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land (Rept. No. 105–393).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1344: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia (Rept. No. 105–394).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1614) to require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System (Rept. No. 105–395).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2285) to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women (Rept. No. 105–396).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 1175) to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years (Rept. No. 105–397).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2239) to revise the boundary of Fort Matanzas Monument and for other purposes (Rept. 105–398).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2133) to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance (Rept. No. 105–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2241) to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes (Rept. No. 105–400).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2136) to provide for the exchange of certain land in the State of Washington (Rept. No. 105–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompany the bill (S. 2248) to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision, when required by state law, and for other purposes (Rept. No. 105–402).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 257: A resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1771: A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

By Mr. ROTH, from the Committee on Finance:

Patricia T. Montoya, of New Mexico, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

David C. Williams, of Maryland, to be Inspector General, Department of the Treasury.

Gregory H. Friedman, of Maryland, to be Inspector General of the Department of Energy.

Eljay B. Bowron, of Michigan, to be Inspector General, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed.)

Sylvia M. Mathews, of West Virginia, to be Deputy Director of the Office of Management and Budget.

John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management.

Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority for a term of five years. (Reappointment)

Dana Bruce Covington, Sr., of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004.

Edward Jay Gleiman, of Maryland, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2004. (Reappointment)

David M. Walker, of Georgia, to be Comptroller General of the United States for a term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. JEFFORDS):

S. 2596. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2597. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2598. A bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated; to the Committee on Finance.

By Ms. SNOWE:

S. 2599. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans Affairs.

By Mr. HATCH:

S. 2600. A bill to amend section 402 of the Controlled Substances Act to reform the civil remedy provisions relating to recordkeeping violations; to the Committee on the Judiciary.

By Mr. KYL:

S. 2601. A bill to provide block grant options for certain education funding; to the Committee on Labor and Human Resources.

S. 2602. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. CONRAD):

S. 2603. A bill to promote access to health care services in rural areas; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2604. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend time for learning and the length of the school year; to the Committee on Labor and Human Resources.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2605. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Labor and Human Resources.

By Mr. ASHCROFT:

S. 2606. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CHAFEE):

S. 2607. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on Finance.

By Mr. KYL (by request):

S. 2608. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

By Mr. BENNETT (for himself and Mr. MACK):

S. 2609. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2610. A bill to amend the Clean Air to repeal the grandfather status for electric utility units; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself, Mr. LIEBERMAN, and Mr. MACK):

S. 2611. A bill to amend title XVIII of the Social Security Act to enable medicare beneficiaries to remain enrolled in their chosen medicare health plan; to the Committee on the Judiciary.

By Mr. FORD:

S. 2612. A bill to provide that Tennessee may not impose sales taxes on any goods or services purchased by a resident of Kentucky at Fort Campbell, nor obtain reimbursement for any unemployment compensation claim made by a resident of Tennessee relating to work performed at Fort Campbell; to the Committee on Governmental Affairs.

By Mr. KERREY:

S. 2613. A bill to accelerate the percentage of health insurance costs deductible by self-employed individuals through the use of revenues resulting from an estate tax technical correction; to the Committee on Finance.

By Mr. COATS:

S. 2614. A bill to amend chapter 96 of title 18, United States Code, to enhance the protection of first amendment rights; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 2615. A bill to study options to improve and enhance the protection, management, and interpretation of the significant natural and other resources of certain units of the National Park System in northwest Alaska, to implement a pilot program to better accomplish the purposes for which those units were established by providing greater involvement by Alaska Native communities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2616. 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 Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. KERRY, Mr. SMITH of Oregon, Mr. LIEBERMAN, and Mr. GRAMS):

S. Res. 294. A resolution expressing the sense of the Senate with respect to developments in Malaysia and the arrest of Dato Seri Anwar Ibrahim; to the Committee on Foreign Relations.

By Mr. COATS (for himself, Mr. MCCAIN, and Mr. COVERDELL):

S. Res. 295. A bill to express the sense of the Senate concerning the development of effective methods for eliminating the use of heroin; to the Committee on Labor and Human Resources.

By Mr. KERREY:

S. Res. 296. A resolution expressing the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 297. A resolution authorizing testimony and representation of former and current Senate employees and representation of Senator Craig in Student Loan Fund of Idaho, Inc. v. Riley, et al; considered and agreed to.

By Mr. ABRAHAM:

S. Res. 298. A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. MACK):

S. Con. Res. 127. A concurrent resolution recognizing the 50th anniversary of the National Institute of Allergy and Infectious Diseases, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. BINGAMAN, Mr. FEINGOLD, Mr. HARKIN, Mr. BUMPERS, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. BOXER, Mr. KENNEDY, Mr. WYDEN, and Ms. MIKULSKI):

S. Con. Res. 128. A concurrent resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself, Mr. LEAHY, Mr. DEWINE, and Mr. JEFFORDS):

S. 2596. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FARMLAND PROTECTION LEGISLATION

• Mr. TORRICELLI. Mr. President, today I introduce legislation which will assist in the critical effort to preserve our nation's most vulnerable farmland. I want to first acknowledge Senator LEAHY's decisive leadership on this issue, and recognize him as the author of the original legislation establishing the Farmland Protection Program in the 1996 Farm Bill. He has been a tireless advocate for this important issue, and I look forward to working closely with him in the future to protect more of our Nation's open spaces.

We have heard a lot during the last decade about the dissolution and destruction of the American Family Farm. Indeed, the family farm is under serious threat of extinction. Today, there are 1,925,300 farms in the United States, the lowest number of farms in our Nation since before the Civil War. The U.S. is losing two acres of our best farmland to development every minute of every day. In my State, New Jersey, we have lost 6,000 farms, or 40 percent of our total, since 1959. This reduction has serious implications for the environment, the economy and our food supply.

The threat comes partially from an anachronistic and unfair inheritance tax that threatens the generational continuity of the family farm and partially from the fact that much of America's farmland is near major cities. As our cities sprawl into neighboring rural areas, our farms are in danger of becoming subdivisions or shopping malls.

Last year I strongly supported a significant reduction in the estate tax to keep farms in the family, preserve open space and ensure fairness in our tax code. This was an important victory for farmers across the Nation. However, we also need programs like the Farmland Protection Program to reinforce this effort. This critical initiative is designed to protect soil by encouraging landowners to limit conversion of their farmland to non-agricultural uses. It has proven so successful that demand for these grants currently outstrips availability of funds by 900 percent, and the last of its authorized funding was spent during fiscal year 1998.

The legislation I am introducing today with Senators LEAHY, DEWINE and JEFFORDS will provide authorization for additional funding, and ensure the survival of this important program. Our bill will reauthorize the program at $55 million a year through 2002, and will broaden the original legislation to allow non-profit conservation groups to hold these easements. This provision is necessary because some State governments, such as Colorado's, are barred from holding easements by their constitution. This legislation will allow non-profit groups to hold these easements in lieu of the state government and this will broaden participation in the program.

I hope my colleagues are able to support this legislation and allow us to continue building on the success of the past few years, during which we were able to protect nearly 82,000 acres on more than 230 farms.•

By Mr. TORRICELLI. (for himself and Mr. LAUTENBERG):

S. 2598. A bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated; to the Committee on Finance.

CHILDREN'S LEAD PREVENTION AND INCLUSIVE TREATMENT ACT OF 1998

• Mr. TORRICELLI. Mr. President, today with my colleague from New Jersey, Senator LAUTENBERG, I introduce the "Children's Lead Prevention and Inclusive Treatment Act of 1998." For almost thirty years Congress has focused attention on lead-related issues. In 1971 we first passed the Lead-based Paint Poisoning Prevention Act, and much has been done since that time to

identify children with elevated lead levels, to educate parents on the dangers of lead, and to devise means of removing or controlling lead in homes. Over the last 20 years, the removal of lead from gasoline, food canning, children's toys, and other sources has seen a reduction in national population blood lead levels by over 80 percent.

Yet recent studies indicate that we are still not doing enough. While national lead levels have dropped over 80 percent, the numbers for Medicaid children, and poor children overall, are nothing short of disgraceful. Since 1992 the Health Care Financing Administration, at the behest of Congress, has required that Medicaid children be screened for elevated blood-lead levels at least twice before they reach the age of 2. But the Centers for Disease Control and Prevention estimates that nationally, 890,000 children between the ages of one and five have elevated blood lead levels and have never been tested.

Even worse, Mr. President, in a Report to Congress earlier this year, the General Accounting Office reported that almost 79 percent of Medicaid children under two years of age have never been screened! This means that as many as 206,000 Medicaid children between the ages of 1 and 2 have not been screened. Considering that in 1991 the U.S. Public Health Service called for a society-wide effort to eliminate childhood lead poisoning by the year 2011, it is quite apparent that we are not making much progress in reaching that goal.

A subsequent GAO report further identified poor and minority children as being at greatest risk of lead poisoning. GAO reported that the prevalence of elevated blood lead levels in Hispanic children aged 1 through 5 was more than twice that of white children, and for African-American children it was more than five times that of white children. Additionally, children in families below 130 percent of the Federal poverty level had a higher prevalence of elevated blood lead levels than those children above the Federal poverty level. Yet all these children continue to be the very ones falling through the cracks!

That is why, Mr. President, I am introducing this legislation. The Children's Lead PAINT Act promises to be a three-pronged attack on the lead-screening system. First, it will create a "safety net" through WIC and Early Start to ensure that high-risk children are screened. A parent enrolling their child in either of these programs must provide proof of screening, within 180 days of enrollment. If a child hasn't been screened, a parent can request WIC or Early Start to perform the test themselves. Additionally, if WIC or Early Start performs the test, Medicaid will be authorized to reimburse the program.

Second, we will be putting teeth into the State's screening obligation, by setting a Minimum number of Screenings a State must perform, or having it face a penalty for failure. Beginning in Fiscal Year 2000, States will be required to screen at least 50 percent of Medicaid children under age 2. This will increase 10 percent each year until it hits 90 percent, where it must remain. If States fail to meet these targets, they stand to lose one percent of their Medicaid funds.

Finally, Mr. President, we will require any Health Care Provider that signs a State Medicaid contract to agree in that contract to comply with the screening requirements, and to provide follow-up services to children who test positive. Although States have been required to perform these screenings, they are not a mandatory requirement of Medicaid health care contracts. Thus, there is no statutory obligation on the part of physicians to perform the tests. This will ensure that doctors perform the tests and that if a child does test positive that an environmental assessment will be done at their home and that follow-up testing and evaluations will be conducted.

I am especially pleased that I have been joined in this fight by two highly regarded national advocacy groups. The Alliance to End Childhood Lead Poisoning, a non-profit public interest organization exclusively dedicated to the elimination of childhood lead poisoning, has publicly endorsed the Lead PAINT Act. Similarly, the Coalition to End Childhood Lead Poisoning, a non-profit parents and victims organization dedicated to educating the public on the dangers of lead poisoning and as well as to eradicating this disease, has also publicly endorsed this legislation.

Mr. President, although we have made great progress in lead poison prevention techniques, first, by banning lead-based paint in homes and more recently by strengthening our home testing system, the GAO report makes it very clear that we are failing to identify those children with lead already in their bodies. It is time we demand accountability. Our children deserve no less.

I look forward to working with my colleagues on this legislation and this issue. 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. 2598

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 "Children's Lead Prevention and Inclusive Treatment Act of 1998" or the "Children's Lead PAInT Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) lead poisoning remains a serious environmental risk, especially to the health of young children;

(2) childhood lead poisoning can cause reductions in IQ, attention span, reading, and learning disabilities, and other growth and behavior problems;

(3) children under the age of 6 are at the greatest risk because of the sensitivity of their developing brains and nervous systems;

(4) poor children and minority children are at substantially higher risk of lead poisoning;

(5) it is estimated that more than 500,000 children enrolled in medicaid have harmful levels of lead in their blood;

(6) children enrolled in medicaid represent 60 percent of the 890,000 children in the United States with elevated blood lead levels;

(7) although the Health Care Financing Administration has required mandatory blood lead screenings for children enrolled in medicaid who are not less than 1 nor more than 5 years of age, approximately two-thirds of children enrolled in medicaid have not been screened or treated;

(8) the Health Care Financing Administration mandatory screening policy has not been effective, or sufficient, to properly identify and screen children enrolled in medicaid who are at risk;

(9) uniform lead screening requirements do not exist for children not enrolled in medicaid; and

(10) adequate treatment services are not uniformly available for children with elevated blood lead levels.

(b) PURPOSE.—The purpose of this Act is to create a lead screening safety net that will, through medicaid and other entitlement programs, ensure that low-income children at the highest risk of lead poisoning receive blood lead screenings and appropriate followup care.

SEC. 3. INCREASED LEAD POISONING SCREENINGS AND TREATMENTS UNDER THE MEDICAID PROGRAM.

(a) PENALTY FOR INSUFFICIENT INCREASES IN LEAD POISONING SCREENINGS.—

(1) PERFORMANCE IMPROVEMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

"(x) PERFORMANCE IMPROVEMENT.—

"(1) IN GENERAL.—Notwithstanding section 1905(b), beginning with fiscal year 2000 and for each fiscal year thereafter, with respect to any State that fails to meet minimum blood lead screening rates stated in paragraph (2), the Federal medical assistance percentage determined under section 1905(b) for the State for the fiscal year shall be reduced by 1 percentage point, but only with respect to—

"(A) items and services furnished under a State plan under this title during that fiscal year;

"(B) payments made on a capitation or other risk-basis under a State plan under this title for coverage occurring during that fiscal year; and

"(C) payments under a State plan under this title that are attributable to DSH allotments for the State determined under section 1923(f) for that fiscal year.

"(2) MINIMUM BLOOD LEAD SCREENING RATES.—The minimum acceptable percentages of 2-year-old medicaid-enrolled children who have received at least 1 blood lead screening test are—

"(A) 50 percent in fiscal year 2000;

"(B) 60 percent in fiscal year 2001;

"(C) 70 percent in fiscal year 2002;

"(D) 80 percent in fiscal year 2003; and

"(E) 90 percent in each fiscal year after fiscal year 2003.

"(3) MODIFICATION OR WAIVER.—The Secretary may modify or waive the application of paragraph (1) in the case of a State that the Secretary determines has performed during a fiscal year such a significant number of lead blood level assessments that the State reasonably cannot be expected to achieve the minimum blood lead screening rates established by paragraph (2).".

(2) REPORTING REQUIREMENT.—Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the semicolon and inserting ", and"; and

(C) by adding at the end the following:

"(v) the number of children who are not more than 2 years of age and enrolled in the medicaid program and the number and results of lead blood level assessments performed by the State, along with demographic and identifying information that is consistent with the recommendations of the Centers for Disease Control and Prevention with respect to lead surveillance;".

(b) MANDATORY SCREENING REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period and inserting "; and"; and

(2) by adding at the end the following:

"(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

"(A) compliance with mandatory screening requirements for lead blood level assessments (as appropriate for age and risk factors) that are commensurate with guidelines and mandates issued by the Secretary through the Administrator of the Health Care Financing Administration; and

"(B) coverage of appropriate qualified lead treatment services, as prescribed by the Centers for Disease Control and Prevention guidelines, for children with elevated levels of lead in their blood.".

(c) REIMBURSEMENT FOR TREATMENT OF CHILDREN WITH ELEVATED BLOOD LEAD LEVELS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking "and" at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following:

"(27) qualified lead treatment services (as defined in subsection (v);"; and

(2) by adding at the end the following:

"(v)(1) The term 'qualified lead treatment services' means all appropriate and medically necessary services that are provided by a qualified provider, as determined by the State, to treat a child described in paragraph (2), including—

"(A) environmental investigations to determine the source of a child's lead exposure, including the costs of qualified and trained professionals (including health professionals and lead professionals certified by the State or the Environmental Protection Agency) to conduct such investigations and the costs of laboratory testing of substances suspected of being significant pathways for lead exposure (such as lead dust, paint chips, bare soil, and water);

"(B) professional case management services to coordinate access to such services; and

"(C) emergency measures to reduce or eliminate lead hazards to a child, if required (as recommended by the Centers for Disease Control and Prevention).

"(2) For purposes of paragraph (1), a child described in this paragraph is a child who—

"(A) has attained 6 months of age but has not attained 73 months of age; and

"(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or persistently equals or exceeds 15 micrograms per deciliter).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply on and after October 1, 1998.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of this section solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. LEAD POISONING SCREENING FOR SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end the following:

"(4) LEAD POISONING SCREENING.—

"(A) IN GENERAL.—Subject to subparagraph (B), for an infant or child to be eligible to participate in the program under this section, a member of the family of the infant or child shall provide proof to the State agency, not later than 180 days after enrollment of the infant or child in the program and periodically thereafter (as determined by the State agency), that the infant or child has received a blood lead test for lead poisoning using an assessment that is appropriate for age and risk factors.

"(B) WAIVERS.—A State agency or local agency may waive the requirement of subparagraph (A) with respect to an infant or child if the State agency or local agency determines that—

"(i) the area in which the infant or child resides does not pose a risk of lead poisoning; or

"(ii) the requirement would be contrary to the religious beliefs or moral convictions of the family of the infant or child.

"(C) SCREENINGS BY STATE AGENCIES.—

"(i) IN GENERAL.—On the request of a member of a family of an infant or child who has not been screened for lead poisoning and who seeks to participate in the program, at no charge to the family, a State agency shall perform a blood lead test on the infant or child that is appropriate for age and risk factors.

"(ii) REIMBURSEMENT.—On the request of a State agency that screens for lead poisoning under clause (i) an infant or child that is receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services shall reimburse the State agency, from funds that are made available under that title, for the cost of the screening (including the cost of purchasing portable blood lead analyzer instruments approved for sale by the Food and Drug Administration and providing screening with the use of such instruments through laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a)).".

SEC. 5. LEAD POISONING SCREENING FOR EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C 9840a) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ", if the families comply with subsection (i)"; and

(2) by adding at the end the following:

"(i) LEAD POISONING SCREENING.—

"(1) IN GENERAL.—Subject to paragraph (2), for a child to be eligible to participate in a program described in subsection (a)(1), a member of the family of the child shall provide proof to the entity carrying out the program, not later than 180 days after enrollment of the child in the program and periodically thereafter (as determined by the entity), that the child has received a blood lead test for lead poisoning using an assessment that is appropriate for age and risk factors.

"(2) WAIVERS.—The entity may waive the requirement of paragraph (1) with respect to a child if the entity determines that—

"(A) the area in which the child resides does not pose a risk of lead poisoning; or

"(B) the requirement would be contrary to the religious beliefs or moral convictions of the family of the child.

"(3) SCREENINGS BY ENTITIES.—

"(A) IN GENERAL.—On the request of a member of a family of a child who has not been screened for lead poisoning and who seeks to participate in the program, at no charge to the family, the entity shall perform a blood lead test on the child that is appropriate for age and risk factors.

"(B) REIMBURSEMENT.—On the request of an entity that screens for lead poisoning under subparagraph (A) a child that is receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary shall reimburse the entity, from funds that are made available under that title, for the cost of the screening (including the cost of purchasing portable blood lead analyzer instruments approved for sale by the Food and Drug Administration and providing screening with the use of such instruments through laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a)).".•

By Ms. SNOWE:

S. 2599. A bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes; to the Committee on Veterans' Affairs.

HEPATITIS C VETERANS LEGISLATION

• Ms. SNOWE. Mr. President, today I introduce legislation to address a serious health concern for veterans infected with the hepatitis C virus. This legislation would make hepatitis C a service-connected condition so that veterans suffering from this virus can be treated by the VA.

Specifically, the bill will establish a presumption of service connection for veterans with hepatitis C, meaning that we will assume that this condition was incurred or aggravated in military service, even if there is no record of evidence that the condition existed during the actual period of service, provided that certain conditions are met.

Under this legislation, veterans who received a transfusion of blood during a period of service before December 31, 1992; veterans who were exposed to blood during a period of service; veterans who underwent hemodyalisis during a period of service; veterans diagnosed with unexplained liver disease during a period of service; veterans with an unexplained liver dysfunction value or test; or veterans working in a health care occupation during service, will be eligible for treatment for this condition at VA facilities.

I am introducing this legislation today because of medical research that suggests many veterans were exposed to hepatitis C in service and are now suffering from liver and other diseases caused by exposure to the virus.

I am troubled that many "hepatitis C veterans" are not being treated by the VA because they can't prove the virus was service connected, despite that fact that hepatitis C was little known and could not be tested for until recently.

Mr. President, we are learning that those who served in Vietnam and other conflicts, tend to have higher than average rates of hepatitis C. In fact, VA data shows that 20 percent of its inpatient population is infected with the hepatitis C virus, and some studies have found that 10 percent of otherwise healthy Vietnam veterans are hepatitis C positive.

Although hepatitis C is a very serious infection, it was actually unknown until recently. Hepatitis C was not isolated until 1989, and the test for the virus has only been available since 1990. Hepatitis C is a hidden infection with few symptoms. However, most of those infected with the virus will develop serious liver disease 10 to 30 years after contracting it. For many of those infected, hepatitis C leads to liver failure, transplants, liver cancer, and ultimately death.

And yet, most people who have hepatitis C don't even know it and often do not get treatment until it's too late. Only five percent of the estimated four million Americans with hepatitis C know they have it, but with new treatments, some estimates indicate that 50 percent can have the virus eradicated.

Vietnam Veterans in particular are just now starting to show up with liver disease caused by hepatitis C. And detection and treatment now may help head off serious liver disease for many of them. However, many veterans with hepatitis C will not be treated by the VA because they cannot establish a service connection for their condition in spite of the fact that we now know that many Vietnam-era and other veterans got this disease serving their country.

Many of my colleagues may be interested to know how veterans likely were exposed to this virus. Many veterans received blood transfusions while in Vietnam. This is one of the most common ways hepatitis C is transmitted. Medical transmission of the virus through needles and other medical equipment is possible in combat. And Medical care providers in the services were likely at increased risk, and may have, in turn, posed a risk to the service members they treated.

Researchers have discovered that hepatitis C was widespread in Southeast Asia during the Vietnam war, and that some blood sent from the U.S. was also infected with the virus. Researchers and veterans organizations, including the Vietnam Veterans of America, with whom I worked to prepare this legislation, believe that many veterans were infected after being injured in combat and getting a transfusion or from working as a medic around combat injuries.

Yet, veterans cannot establish a service connection because frequently there were no symptoms when they were infected in Vietnam. In addition, while medical records may show a short bout of hepatitis, hepatitis C was not known then and there was no testing to detect the hepatitis C infection at discharge.

The hepatitis C infected veterans are essentially in a catch 22: the VA is reluctant to depart from their routine service connection requirements and veterans cannot prove that they contracted hepatitis C in combat because the science to detect it did not exist during the period of service. Without congressional authority in the form of legislation providing for presumptive service connection, thousands of Vietnam vets infected with hepatitis C in service will not get VA health care testing or treatment. I believe the government will actually save money in the long run by testing and treating this infection early on. The alternative is much more costly treatment of end-stage liver disease and the associated complications, or other disorders.

I would like to describe some of the research that has led me to the conclusion that hepatitis C may be service connected in many veterans. A number of studies have established a link between hepatitis C in veterans and high risk factors for hepatitis C that are unique to combat or are highly prevalent in combat situations.

A study published in the American Journal of Epidemiology in 1980 found that veterans have a higher incidence of hepatitis C compared to non-veterans. The study of veterans receiving liver transplants at the Nashville, Tennessee VA medical center, which was conducted by researchers at the Vanderbilt University Medical Center, found that there "was a significantly greater incidence of hepatitis C . . . in veterans compared with non-VA patients." The study claims to confirm that "veteran patients have a higher incidence of hepatitis C. . ."

A study published in Cancer in 1989 found that veterans have increased risk of liver cancer as compared to non-veterans. The study found that there was a 50 percent increase in the rate of liver cancer among male veterans using VA medical systems from 1970 to 1982.

A study published in Military Medicine in 1997 found that from 1991 to 1994, the number of veterans diagnosed with hepatitis C increased significantly from 6,612 in 1991 to 18,854 in 1994, which is an increase of more than 285 percent. The study notes that "total patients seen nationally . . . increased by only 4.87 percent during the same period." Therefore, this increase cannot be explained by increased in workload. Over the subsequent year, this increased to 21,400 (in 1996), and has since continued to increase.

Some will argue that further epidemiologic data is needed to resolve or prove the issue of service connection. I agree that we have our work cut out for us, and further study is required. However, while the research being done is providing more and more data on the relationship between military service and hepatitis C, we should not force those who fought for our country to wait for the treatment they deserve.

It should be noted that some progress has been made in recent years in the effort to address this health concern. This is not a new issue.

The VA has done some screening and testing for hepatitis C in veterans. VA Under Secretary for Health, Ken Kizer, issued a directive that all VA medical centers should test veterans for hepatitis C if they fall into certain risk categories. However, I understand that medical centers are not complying with this directive uniformly. In addition, there is no mention of treatment in the Kizer directive. Therefore, if the virus is detected, the VA does not necessarily treat it.

I would also note that the FY98 VA–HUD Appropriations report contains the following language: "The Committee is concerned that the rates of serious liver disease, liver cancer and liver transplants related to hepatitis C infection are expected to rise rapidly among veterans populations over the next decade. Veterans health care facilities will bear a large part of the treatment cost. Those costs can be reduced with early screening and treatment of veterans infected with hepatitis C. Therefore, the Committee directs the Department to determine rates of hepatitis C infection among

veterans receiving health services from the VA and to establish a protocol for screening new entrants to the VA health care system. The Committee also directs the Department to provide counseling and access to treatment for veterans who test positive for hepatitis C. The Department should pay special attention to rates of hepatitis C among veterans of Vietnam and more recent deployments."

Former Surgeon General C. Everett Koop, well respected both within and outside of the medical profession, has said, "In some studies of veterans entering the Department of Veterans Affairs health facilities, half of the veterans have tested positive for HCV. Some of these veterans may have left the military with HCV infection, while others may have developed it after their military service. In any event, we need to detect and treat HCV infection if we are to head off very high rates of liver disease and liver transplant in VA facilities over the next decade. I believe this effort should include HCV testing as part of the discharge physical in the military, and entrance screening for veterans entering the VA health system."

The VA requires that a veteran demonstrate onset during service or within requisite presumptive periods with chronic residuals of a disease or injury that had its onset during active military service. How does a veteran prove service connection under these criteria for a condition that did not even have a name until 10 years ago.

Veterans have already fought their share of battles—these men and women who sacrificed in war so that others could live in peace shouldn't have to fight again for the benefits and respect they have earned.

In closing, let me say that we are just now beginning to learn the full extent of this emerging health threat to veterans and the general population. We still have a long way to go before we know how best to confront this deadly virus. A comprehensive policy to confront such a monumental challenge can not written overnight. It will require the long-term commitment of Congress and the Administration to a serious effort to address this health concern.

I hope this legislation will be a constructive step in this effort, and I look forward to working with the Veterans' Affairs Committee, the VA–HUD appropriators, Vietnam Veterans of America, and others to meet this emerging challenge.●

By Mr. HATCH:

S. 2600. A bill to amend section 402 of the Controlled Substances Act to reform the civil remedy provisions relating to recordkeeping violations; to the Committee on the Judiciary.

CONTROLLED SUBSTANCE CIVIL PENALTY REFORM ACT

Mr. HATCH. Mr. President, I rise today to introduce the "Controlled Substances Civil Penalty Reform Act of 1998," S. 2600, legislation I have been developing for some months working in conjunction with Senator GREGG and the Appropriations Committee, our House colleague, BILL MCCOLLUM, and other interested parties including the Drug Enforcement Administration, the National Association of Chain Drug Stores, and the National Wholesale Druggists Association.

This is a "good government" bill, legislation which I intend to correct a situation which has proven to be of great concern to America's drug stores, the wholesale community which supplies them, and America's consumers.

As a House hearing amply documented last month, there have been a number of cases in which the Drug Enforcement Administration has imposed large fines for small, record-keeping errors committed by those the agency regulates, primarily drug stores and their suppliers.

The DEA has a critical mission to combat diversion of controlled substances. This is of great national significance, and the agency should zealously pursue to the limits of the law those who traffic in illicit drugs.

That being said, there is a difference between going after drug dealers and examining the records kept by legitimate wholesalers and pharmacies. Overzealously throwing the book at above-board businesses, who are doing so much to help America's consumers, for relatively minor record-keeping violations is not warranted.

In 1997, these fines, which may be assessed at up to $25,000 per violation, totaled a substantial $12 million. But given the nature of some of the minor deficiencies, which I am advised are sometimes for trivial matters such as incorrect zip codes, the question must be raised whether this particular enforcement activity is operating more life a hidden tax or user fees than a meaningful deterrent to drug diversion.

In short, S. 2600 amends the Controlled Substances Act in three important ways. First, it adds a negligence standard to current law, so that the government must prove that the record-keeping violation was due to a negligent act, rather than an unintended mistake or omission, prior to any fines being imposed. Second, it lowers the ceiling on these fines from "up to $25,000" per violation, to "up to $10,000" per violation.

The third provision adds a number of needed standards that the Attorney General must consider before any fine is imposed. These include: whether diversion actually occurred; whether actual harm to the public resulted from the diversion; whether the violations were intentional or negligent in nature; whether the violations were a first time offense; the time intervals between inspections where no, or any serious, violations were found; whether the violations were multiple occurrences of the same type of violation; whether and to what extent financial profits may have resulted from the diversion; and the financial capacity of registrants to pay the fines assessed.

Finally, my proposal makes clear that in determining whether to assess a penalty, the Attorney General may take into account whether the violator has taken immediate and effective corrective action, including demonstrating the existence of compliance procedures, in order to reduce the potential for any future violations. The Attorney General may also follow informal procedures such as sending one or more warning letters to the violator, as she determines appropriate.

Mr. President, I recognize that our time is short for the remainder of this session. However, given Senator GREGG's significant interest in this issue, and the abundant work that Representative MCCOLLUM and I have devoted to this issue this year, I am hopeful this needed reform is something we can accomplish before we adjourn.

By Mr. KYL:

S. 2601. A bill to provide block grant options for certain education funding; to the Committee on Labor and Human Resources.

DOLLARS FOLLOWS THE KID EDUCATION BLOCK GRANT

S. 2602. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Finance.

K THROUGH COMMUNITY PARTICIPATION ACT

● Mr. KLY. Mr. President, I rise to introduce two education legislative proposals that will increase parental and student choice, educational quality, and school safety.

A colleague from the Arizona delegation, Representative Matt Salmon, is today introducing these proposals in the House of Representatives.

The first proposal is the "Dollars Follow the Student Education Block Grant Act."

This proposal would ensure that education dollars are spent in the classroom on behalf of specific students rather than in bureaucracies like the Department of Education in Washington, D.C.

The second proposal is the "K through 12 Community Participation Act" which would offer tax credits to families and businesses of up to $500 annually for qualified K through 12 education expenses or activities.

Over the last 30 years, Americans have steadily increased their monetary commitment to education.

Unfortunately, we have not seen a corresponding improvement in the

quality of the education our children receive.

Given our financial commitment, and the great importance of education, these results are unacceptable.

Mr. President, I believe the problem is not how much money is spent, but how it is spent, and by whom.

Our national commitment to education is clear from the ever-increasing sums we spend annually.

The problem is the big-government, Washington D.C.-based policies that have squandered these resources on well-meaning but misguided programs that are failing our children and our country.

By beginning the debate on these two legislative proposals at the end of the 105th Congress, I believe the Congress can build upon the great progress made in the direction of parental choice, educational quality, and safety—progress which has been led by Senator PAUL COVERDELL and Senator SLADE GORTON, and Senator TIM HUTCHINSON.

THE DOLLARS FOLLOW THE STUDENT EDUCATION BLOCK GRANT PROPOSAL

As a nation we have long recognized the supreme importance of educating our children.

It is the foundation for a productive and rewarding future for all individuals and, as Thomas Jefferson noted, "is essential to the preservation of our democracy."

The critical issue is whether the taxpayers are getting their money's worth for their education tax dollar in light of the disappointing conclusions of the recent congressional Education at the Crossroads report.

As the report pointed out, the federal government pays only seven percent of the cost of education, but imposes 50 percent of the paperwork requirements that schools face.

Our students are struggling to master just the basics in reading, math, and science. Around 40 percent of our fourth graders can't read, while the government pays to add subtitles to the "Jerry Springer Show."

It is clear that after more than 30 years of topdown control, hundreds of duplicative federal programs and one-size-fits-all policies from Washington are not working.

In fact, according to a recent study by the Heritage Foundation, 20 cents of each education tax dollar are lost to administrative and federal compliance costs. I believe these resources would be better spent on textbooks or making schools safer than on salaries of, and regulations issued by, bureaucrats in Washington.

It's clear that we need to get more from our education tax dollars by spending more of them in the classroom and less in Washington.

This idea—an education block grant—has been successfully promoted by Senator SLADE GORTON of Washington state. The Gorton block grant proposal passed the Senate and the House in 1997, but, at the Clinton administration's insistence, it was stripped from the Labor, Health and Human Services, and Education appropriations bill of 1997.

As with the Gorton proposal, my bill would consolidate most federally funded K through 12 education programs, except for special education. This money is sent directly to states and local school districts free from federal mandates or regulations.

Under both proposals, each state would choose one of three options: 1. To have federal block grant funds sent directly to local school districts minus federal regulations; 2. To have federal block grant funds sent to the state education authority, again without federal regulations; 3. Or to continue to receive federal funds under the current system of categorizing monies rigidly into specific programs.

But my amendment adds a new feature to the block grant idea for states that choose a block grant option. Several years ago, the Goldwater Institute, a Phoenix-based educational think tank, began to advocate market-based education finance reform in which a specific amount of money would follow each child to the school of his or her choice. I believe the time has come for this concept of "dollars following kids" to be debated and implemented on the national level.

Under this proposal, each state electing to have a block grant could also decide to allow parents of children in private schools, public schools (including charter schools), and parents of "home schooled" kids, to receive their "per capita" amount directly, rather than indirectly through the school district and school. This money would literally "follow the child" from school to school, thus creating an incentive for the school to muster the best education product possible in order to keep the child enrolled.

I believe the fundamental problem with today's method of federal education funding is that it provides little if any link between the quality of a school or school district's educational product and the education funding it receives. The absence of a link between school funding and education quality has led to a loss of accountability and to an education product that is, in many ways, severely deficient. Parents, students, and the nation suffer from this loss of accountability.

As we all know, under current education-funding procedures, federal dollars allocated by the U.S. Department of Education are sent to state education agencies, and then to each school district, and finally, to each school. At each level, important education decisions are being made by bureaucrats—and more importantly, not being made by parents. Also, at each level of bureaucracy, additional percentages of the original education-funding dollar that left Washington is being lost. Currently, fully 20 percent of all federal education dollars never make it to the classroom and the student.

I believe we need to explore a new education-funding framework that is child-centered rather than school, or school district, centered. The current system has proven to be inconsistent with the fundamental principles of parental choice, competition, and education quality.

This proposal would implement the fundamental reform needed in our education financing system. I believe we should consider financing public education by linking funding to individual students and requiring that the schools and school districts compete for those students by providing a quality education. This approach puts the child, rather than the system itself, at the center. With child-centered funding, students are more valuable to schools than the bureaucrats who make funding decisions.

Simply put, under my plan, the federal money that supports primary and secondary education would go directly from the state to parents, and only then to the schools in which parents chose to educate their children.

Practically speaking, what does this mean? First, the federal government funds about 6.3% of the total amount—$358 billion—invested in primary and secondary education each year. If every state chose the block grant, this proposal would result in a block grant of roughly $13 billion sent to the states with greatly reduced regulatory mandates. (It is important to note that federal funding through the Individuals with Disabilities Act is exempted from this block grant.)

This amount—$13 billion—divided among roughly 50 million students results in $255 dollars that will "follow" each student. When one considers that the average school enrollment is 530 students, this block grant proposal would mean that each school would receive an average of $135,000 in federal dollars and, more importantly, would have the flexibility to sue it to address the specific educational needs of the students in that school.

Suppose the parents of 50 students decided to remove their children because they were unsatisfied with the educational product of the school: that school would lose over $12,000 as a result. This would mean that each school would have the strong incentive to improve its curriculum, its staff, and its overall performance, since, if parents weren't satisfied, they could move their child to another school—and the dollars along with the child.

To allay fears that federal funding will be cut if consolidated into a block grant, this proposal provides that, if federal funding falls below the levels

agreed to in the 1997 budget agreement, it will revert back to funding under federally-designated categories.

Also, my bill encourages states that choose block grants to adjust the per-student amounts by two factors: The relative cost of living, i.e., rural v. urban; and the income of the child's parents.

Citizens in the states put their trust in members of Congress to represent them in the nation's capital. It is time Congress showed the same trust in them and gave them more discretion in how their education tax dollars are spent.

It comes down to this: Will local schools be improved through more control from Washington, or will they be improved by giving more control to parents, teachers, and principals? The question needs only to be asked to be answered. The K through 12 Community Participation Act.

Mr. President, the second education legislative proposal I am introducing today is the K through 12 Community Participation Act. This proposal addresses the problem of falling education standards by giving families and businesses a tax incentive to provide children with a higher quality education through choice and competition.

The problem of declining education standards is illustrated by a report just released by the Education and Workforce Committee of the House of Representatives, Education at the Crossroads. This is the most comprehensive review of federal education programs ever undertaken by the United States Congress. It shows that the federal government's response to the decline in American schools has been to build bigger bureaucracies, not a better education system.

According to the report: There are more than 760 federal education programs overseen by at least 39 federal agencies at a cost of $100 billion a year to taxpayers. These programs are overlapping and duplicative. For example, there are 63 separate (but similar) math and science programs, 14 literacy programs, and 11 drug-education programs.

Even after accounting for recent streamlining efforts, the U.S. Department of Education still requires over 48.6 million hours worth of paperwork per year—this is the equivalent of 25,000 employees working full time.

As I mentioned earlier, states get at most seven percent of their total education funds from the federal government, but most states report that roughly half of their paperwork is imposed by federal education authorities.

The federal government spends tax dollars on closed captioning of "educational" programs such as "Baywatch" and Jerry Springer's squalid daytime talk show.

With such a large number of programs funded by the federal government, it's no wonder local school authorities feel the heavy hand of Washington upon them.

And what are the nation's taxpayers getting for their money? According to the report, around 40 percent of fourth grades cannot read, and 57 percent of urban students score below their grade level. Half of all students from urban school districts fail to graduate on time, if at all. U.S. 12th graders ranked third from the bottom out of 21 nations in mathematics. According to U.S. manufacturers, 40 percent of all 17-year-olds do not have the math skills to hold down a production job at a manufacturing company.

The conclusion of the Education at the Crossroads report is that the federally designed "one-size-fits-all" approach to education is simply not working.

I believe we need a federal education policy that will: Give parents more control. Give local schools and school boards more control. Spend dollars in the classroom, not on a Washington bureaucracy. Reaffirm our commitment to basic academics.

As was the case regarding my block grant proposal, my state of Arizona has led the way with legislation passed in 1997. This state law provides tax credit that can be used by parents and businesses to cover certain types of expenses attendant to primary and secondary education.

Mr. President, today, Representative SALMON and I are introducing a form of the new Arizona education tax-credit law.

The K through 12 Community Participation Education Act would be phased in over four years and would impel parents, businesses, and other members of the community to invest in our children's education. Specifically, it offers every family or business a tax credit of up to $500 annually for any K through 12 education expense or activity. This tax credit could be applied to home schooling, private schools (including charter schools), or parochial schools. Allowable expenses would include tuition, books, supplies, and tutors.

Further, the tax credit could be given to a "school-tuition organization" for distribution. To qualify as a school-tuition organization, the organization would have to devote at least 90 percent of its income per year to offering available grants and scholarships for parents to use to send their children to the school of their choice.

How might this work? A group of businesses in any community could join forces to send sums for which they received tax credits to charitable "school-tuition organizations" which would make scholarships and grants available to low income parents of children currently struggling to learn in unsafe, non-functional schools.

Providing all parents—including low income parents—the freedom to choose will foster competition and increase parental involvement in education. Insuring this choice will make the federal education tax code more like Arizona's. It is a limited but important step the Congress and the President can—and I believe, must—take.

Mr. President, it's clear that top-down, one-size fits all, big government education policy has failed our children and our country.

This tax-credit legislation, as well as the block-grant legislation I described earlier, will refocus our efforts on doing what is in the best interests of the child as determined by parents, and will give parents and businesses the opportunity to take an important step to rescue American education so that we can have the educated citizenry that Jefferson said was essential to our health as a nation.●

By Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. INOUYE, Mr. BINGAMAN, Mr. JOHNSON, and Mr. CONRAD):

S. 2603. A bill to promote access to health care services in rural areas; to the Committee on Finance.

PROMOTING HEALTH IN RURAL AREAS ACT OF 1998

Mr. BAUCUS. Mr. President, all Americans deserve access to primary health care and emergency treatment. But in rural America the delivery of these services is often difficult, given the vast distances and extreme weather conditions that typically prevail. Just as small communities' transportation, education and housing needs are different than those of urban areas, so too are their mechanisms for delivering health care.

That's why Senator DASCHLE and I are introducing the Promoting Health In Rural Areas Act of 1998. PHIRA would, among other things: reformulate the Adjusted Average Per Capita Cost for Medicare payments to managed care; direct Medicare payments to tribally-owned hospitals; rebase provisions for Sole Community Hospitals; revise the underserved criteria used by the Office of Personnel Management; and allow recently-closed hospitals to be designated on a Critical Access basis.

As you know, 1997 reforms went a long way towards ensuring the viability of the Medicare program, including its use by rural Americans. For example, under Section 4201 of the 1997 BBA, Congress established a rural-friendly hospital program. Modeled on a demonstration project conducted in my state of Montana, the new program allows a rural hospital to convert to a limited-service hospital status, called a "Critical Access Hospital," or CAH. These hospitals are given flexibility and relief from Medicare regulations designed for full-size, full-service acute care hospitals. By giving these smaller hospitals greater latitude on staffing

and other cumbersome federal regulations, it is easier for rural hospitals to organize their staffs and facilities based on patient needs.

If the demonstration project on which this new program is based is any indication (and I certainly hope that it is), Congress can be proud of this new law. And rural folks across the country will benefit. They will receive access to quality care in a way that meets their unique needs, and they will be assisted in preserving a way of life that is increasingly threatened by the urban- and sub-urbanization of America.

Yet despite many positive developments, it has become clear to the Minority Leader and I that much still needs to be done to facilitate the delivery of rural health services. In order to meet those needs, the Promoting Health in Rural Areas Act will do several things. First, it will change the Office of Personnel Management's underserved designation criteria by changing the way the Office of Personnel Management designates rural areas. Back in the 1960s, underserved areas were designated on a state-by-state basis. Now, the Department of Health and Human Services has the sophistication to designate areas by county, or even sub-county. The bill we are introducing today would require OPM to designate underserved areas on a county-by-county, not state-by-state, basis.

Second, PHIRA would direct Medicare payments to tribally-owned hospitals. As you know, Mr. President, a demonstration project conducted in Alaska, Mississippi and Oklahoma allowed four tribal health care providers operating Indian Health Services hospitals to bill Medicare and Medicaid directly. The demo project increased efficiency and, by allowing providers to directly bill Medicare, provided badly-needed revenue. Our bill would expand the demonstration project nationwide and make it permanent.

Mr. President, our bill would also allow recently-closed hospitals to be designated as Criticala Access Hospitals. Under the 1997 law establishing the Critical Access Hospital program, a closed or downsized hospital does not qualify. Our bill would allow a hospital that had closed within the last five years to qualify for conversion to CAH status.

Our bill also addresses rural needs for Medicare Graduate Medical Education (GME). As you know, BBA mandated a cap on the number of residents a teaching hospital is allowed to train. Because this provision threatens to exacerbate an already serious shortage of physicians in rural America, our bill would allow programs training residents targeted for rural areas to be exempt from the cap.

Mr. President, by reforming the way health care is delivered in rural areas, we are not only making government more efficient, we are making agencies more accountable. And we are preserving a way of life that American pioneers established long ago and that rural Americans continue today. It is in many ways a simpler lifestyle, uncomplicated by traffic, smog and a desire to get everything done yesterday. But it is also a difficult way of life, characterized by harsh weather, long distances, and the historic tendency of the Federal Government to view all areas—rural or urban—through a one-size-fits-all lens. I invite senators to join the Minority Leader and I today, to ensure that our rural residents are given proper access to the health care they need. I urge my colleagues to support this important legislation.

Mr. DASCHLE. Mr. President, today, with Senator BAUCUS, I introduce a bill intended to improve health care for Americans living in rural communities. The Promoting Health in Rural Areas Act of 1998 would help rural communities attract and retain health care providers and health plans, improve the viability of sole community hospitals, and make optimal use of the advances in medical technology available today.

Delivering health care in rural America presents unique challenges—issues related to geography, lack of transportation, and reimbursement. With a relatively small population spread over a large area, and health care professionals in short supply, patients often must travel long distances to see a physician or get to a hospital. While these rural communities strive to improve access through telemedicine and recruitment efforts, they must also struggle to maintain what they have, to ensure that providers who leave their area are replaced, and to keep their hospitals' doors open.

Rural communities have long had great difficulty recruiting and retaining health care providers to serve their needs. Despite great increases in the number of providers trained in this country over the past 30 years, rural communities have not shared equitably in the benefits of this expansion. Even though 20 percent of Americans live in non-metropolitan counties, only 11 percent of physicians practice in those counties, and that percentage has been falling for the last 25 years. Currently, 30 towns in South Dakota are looking for family physicians.

Telemedicine is a promising tool to provide medical expertise to rural communities. Through telemedicine technology, rural patients can have access to specialists they would otherwise never encounter. The benefits of telemedicine extend to rural health professionals as well, providing them with technical expertise and interaction with peers that can make practicing in a rural area more attractive. Yet the potential of telemedicine has been limited by reimbursement issues and a number of other obstacles.

In addition to problems with provider recruitment and limitations facing telemedicine, seniors in rural areas do not have the array of health plan options available in more urban areas due in part to a disparity in reimbursement. Although the Balanced Budget Act began to address the issue of low payment levels in rural areas, and has been successful to some degree, budgetary constraints have prevented the expected increase in rural areas.

The Promoting Health in Rural Areas Act of 1998 is intended to address some of the basic challenges facing rural health care. It will not address every health problem facing rural America. It is, however, intended to take important steps to improve access, increase choice, and improve the quality of care provided in more isolated parts of the country.

The bill addresses obstacles in current law to the recruitment and training of providers in rural areas. One provision in the bill ensures that new rules enacted as part of the Balanced Budget Act, regarding reimbursement for medical residents, do not discriminate against areas that train residents in rural health clinics or other settings outside a hospital.

The bill also helps medically underserved communities plan and be ready for the retirement of a physician. Current law effectively requires communities to actually lose a physician before they qualify for recruitment assistance to replace that doctor. Because recruitment is rarely less than a 6-month-long process, current policy places a community at risk of potentially having no physician available to them for long periods of time. This bill would provide communities with 12 months of lead time to secure recruitment assistance when they know a retirement or resignation is pending.

The bill would enhance the economic viability of Sole Community Hospitals, often the only source of inpatient services that are reasonably available in a geographic area, by updating the base cost reporting period.

The bill would ensure that health plans for Medicare beneficiaries who want to develop in rural counties get the increased reimbursement promised in the Balanced Budget Act, while maintaining budget neutrality. This provision is important to ensure that beneficiaries in rural areas begin to have some of the health plan choices available to urban seniors.

The bill also places significant focus on the promise of telemedicine for rural areas and attempts to overcome some of the barriers that have limited its potential. The bill would expand reimbursement for telemedicine to all rural areas, not just those designated as health professional shortage areas. The bill also would allow reimbursement for services currently covered by Medicare in face-to-face interactions

with health professionals. It also would make telemedicine more convenient, by allowing any health care practitioner to present a patient to a specialist on the other side of the video connection.

Mr. President, providing health care in rural communities raises unique challenges that require targeted responses. Rural America deserves appropriate access to health care—access to providers, access to hospitals, access to quality care, and greater choice. The bill we introduce today takes important steps to achieve these ends.

By Mr. TORRICELLI:

S. 2604. A bill to provide demonstration grants to local educational agencies to enable the agencies to extend time for learning and the length of the school year; to the Committee on Labor and Human Resources.

EXTENDED SCHOOL LEGISLATION

• Mr. TORRICELLI. Mr. President, today I introduce legislation authorizing funding for extended school day and extended school year programs across the country. The continuing gap between American students and those in other countries, combined with the growing needs of working parents and the growing popularity of extending both the school day and the school year, have made this educational option a valuable one for many school districts.

Students in the United States currently attend school an average of only 180 days per year, compared to 220 days in Japan, and 222 days in both Korea and Taiwan. American students also receive fewer hours of formal instruction per year compared to their counterparts in Taiwan, France, and Germany. We cannot expect our students to remain competitive with those in other industrialized countries if they must learn the same amount of information in less time.

Our school calendar is based on a no longer relevant agricultural cycle that existed when most American families lived in rural areas and depended on their farms for survival. The long summer vacation allowed children to help their parents work in the fields. Today, summer is a time for vacations, summer camps, and part-time jobs. Young people can certainly learn a great deal at summer camp, and a job gives them maturity and confidence. However, more time in school would provide the same opportunities while helping students remain competitive with those in other countries. As we debate the need to bring in skilled workers from other countries, the need to improve our system of education has become increasingly important.

In 1994, the Commission on Time and Learning recommended keeping schools open longer in order to meet the needs of both children and communities, and the growing popularity of extended-day programs is significant. Between 1987 and 1993, the availability of extended-day programs in public elementary schools has almost doubled. While school systems have begun to respond to the demand for lengthening the school day, the need for more widespread implementation still exists. Extended-day programs are much more common in private schools than public schools, and only 18 percent of rural schools have reported an extended-day program.

This bill would authorize $50 million over the next five years for the Department of Education to administer a demonstration grant program. Local education agencies would then be able to conduct a variety of longer school day and school year programs, such as extending the school year to 210 days, studying the feasibility of extending the school day, and implementing strategies to maximize the quality of extended core learning time.

The constant changes in technology, and greater international competition, have increased the pressure on American students to meet these challenges. Providing the funding for programs to lengthen the school day and school year would leave American students better prepared to meet the challenges facing them in the next century.•

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2605. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Labor and Human Resources.

TRAUMATIC BRAIN AND SPINAL CORD INJURY REGISTRY ACT

• Mr. TORRICELLI. Mr. President, I introduce legislation that represents an important step forward in our national strategy for addressing traumatic brain injury (TBI) and spinal cord injury (SCI). Tragically, these injuries have enormous personal and economic costs on victims, their families, and our nation as a whole.

Today, an estimated 4.5 million Americans live with a disability as a result of a TBI. Each year, more than two million people suffer a TBI, 10,000 of whom live in my State of New Jersey. More than 200,000 Americans live with a SCI, with 10,000 new injuries reported each year. Collectively, TBI and SCI costs the U.S. more than $35 billion per year.

These statistics, however, reveal only a fraction of the problem. In the U.S., we have no standardized system of collecting information on these injuries. Instead, we rely on the work of a few limited State programs and private organizations who often lack the resources to collect complete, timely, and accurate data.

Mr. President, the legislation I introduce today, the TBI/SCI Registry Act, will allow the Centers for Disease Control and Prevention (CDC) to make grants available to states to establish their own TBI/SCI registries. The CDC and state departments of health will then work as partners in establishing and maintaining comprehensive tracking systems that ensures patient privacy.

The important information that state registries will be responsible for collecting will include: circumstances of injury and demographics of patients; length of stay in hospital and treatments used; severity of the injury; outcomes of treatments and services.

The benefits will be far-reaching because the collection of accurate data will help identify high-risk populations for future prevention programs and will help link patients to effective treatments and social services. Perhaps most important, the information from these registries will help advocates and legislators justify TBI/SCI as a greater funding priority.

The National Institutes of Health (NIH) currently spends approximately $60 million for SCI and $52 million for TBI. This research has contributed to tremendous progress, but we must improve our ability to identify innovative research projects and increase our financial commitment to those efforts.

Mr. President, this legislation will ultimately help achieve this goal by creating a foundation for a unified scientific and public health approach for preventing, treating, and someday finding a cure for TBI/SCI. I am proud that my bill has already received the endorsement of the Christopher Reeve Foundation, the American Paralysis Association, the Brain Injury Association, and the Eastern Paralyzed Veterans Association.

Mr. President, I ask 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. 2605

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 "Traumatic Brain Injury and Spinal Cord Injury Registry Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) traumatic brain and spinal cord injury are severe and disabling, have enormous personal and societal costs;

(2) 51,000 people die each year from traumatic brain injury and 4,500,000 people live with lifelong and severe disability as a result of a traumatic brain injury;

(3) approximately 10,000 people sustain spinal cord injuries each year, and 200,000 live with life-long and severe disability; and

(4) a nationwide system of registries will help better define—

(A) who sustains such injuries and the impact of such injuries;

(B) the range of impairments and disability associated with such injuries; and

(C) better mechanisms to refer persons with traumatic brain injuries or spinal cord injuries to available services.

SEC. 3. TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES

"SEC. 399N. NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury and spinal cord injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

"(1) demographic information about each traumatic brain injury or spinal cord injury;

"(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury and spinal cord injury;

"(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury;

"(4) information characterizing the clinical aspects of the traumatic brain injury or spinal cord injury, including the severity of the injury, the types of treatments received, and the types of services utilized;

"(5) information on the outcomes associated with traumatic brain injuries and spinal cord injuries, such as impairments, functional limitations, and disability;

"(6) information on the outcomes associated with traumatic brain injuries and spinal cord injuries which do not result in hospitalization; and

"(7) other elements determined appropriate by the Secretary.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of subsection (a), that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with review requirements under sections 491 and 492.

"(2) ESTABLISHMENT OF REGISTRIES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide for the establishment of a registry that will—

"(A) comply with appropriate standards of completeness, timeliness, and quality of data collection;

"(B) provide for periodic reports of traumatic brain injury and spinal cord injury registry data; and

"(C) provide for the authorization under State law of the statewide traumatic brain injury and spinal cord injury registry, including promulgation of regulations providing—

"(i) a means to assure timely and complete reporting of brain injuries and spinal cord injuries (as described in subsection (a)) to the statewide traumatic brain injury and spinal cord injury registry by hospitals or other facilities providing diagnostic or acute care or rehabilitative social services to patients with respect to traumatic brain injury and spinal cord injury;

"(ii) a means to assure the complete reporting of brain injuries and spinal cord injuries (as defined in subsection (a)) to the statewide traumatic brain injury and spinal cord injury registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for traumatic brain injury and spinal cord injury patients, except for cases directly referred to or previously admitted to a hospital or other facility providing diagnostic or acute care or rehabilitative services to patients in that State and reported by those facilities;

"(iii) a means for the statewide traumatic brain injury and spinal cord injury registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of traumatic brain injury or spinal cord injury or would establish characteristics of the injury, treatment of the injury, or medical status of any identified patient; and

"(iv) for the reporting of traumatic brain injury and spinal cord injury case data to the statewide traumatic brain injury and spinal cord injury registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary.

"(3) APPLIED RESEARCH.—Applicants for applied research shall conduct applied research as determined by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, to be necessary to support the development of registry activities as defined in this section.

"(4) ASSURANCES FOR CONFIDENTIALITY OF REGISTRY DATA.—Each applicant shall provide to the satisfaction of the Secretary for—

"(A) a means by which confidential case data may in accordance with State law be disclosed to traumatic brain injury and spinal cord injury researchers for the purposes of the prevention, control and research of brain injuries and spinal cord injuries;

"(B) the authorization or the conduct, by the statewide traumatic brain injury and spinal cord injury registry or other persons and organizations, of studies utilizing statewide traumatic brain injury and spinal cord injury registry data, including studies of the sources and causes of traumatic brain injury and spinal cord injury, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, rehabilitative, and preventative services and programs relating to traumatic brain injury and spinal cord injury, and any other clinical, epidemiological, or other traumatic brain injury and spinal cord injury research;

"(C) the protection of individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a traumatic brain injury and spinal cord injury case report provided to the statewide traumatic brain injury and spinal cord injury registry, or with respect to access to traumatic brain injury and spinal cord injury case information provided to the statewide traumatic brain injury and spinal cord injury registry; and

"(D) the protection of individual privacy and confidentiality consistent with Federal and State laws.

"SEC. 399O. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE REGISTRIES.

"The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide traumatic brain injury and spinal cord injury registries and assistance in establishing a computerized reporting and data processing system. In providing such assistance, the Secretary shall encourage States to utilize standardized procedures where appropriate.

"SEC. 399P. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $10,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2004.

"SEC. 399Q. DEFINITIONS.

"In this part:

"(1) SPINAL CORD INJURY.—The term 'spinal cord injury' means an acquired injury to the spinal cord. Such term does not include spinal cord dysfunction caused by congenital or degenerative disorders, vascular disease, or tumors, or spinal column fractures without a spinal cord injury.

"(2) TRAUMATIC BRAIN INJURY.—The term 'traumatic brain injury' means an acquired injury to the brain, including brain injuries caused by anoxia due to near-drowning. Such term does not include brain dysfunction caused by congenital or degenerative disorders, cerebral vascular disease, tumors, or birth trauma. The Secretary may revise the definition of such term as the Secretary determines appropriate.".●

By Mr. KYL (by request):

S. 2608. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. KYL. Mr. President, today I introduce, by request, a bill to authorize an Indian water rights settlement agreement that was entered into on May 4, 1998 by the Gila River Indian Community of Arizona and the Phelps Dodge Corporation.

As other Western members well know, any Indian water rights settlement is a difficult, lengthy, and often frustrating process. Reaching a settlement requires years of hard work and cooperation by all parties involved. But the work is worthwhile. By reaching settlement, parties avoid decades of costly litigation and the uncertainty regarding water rights that inevitable comes when the determination of rights and liabilities is delayed. I have been, both in my prior career, and in this one, an ardent supporter of the settlement process and I hope that by

introducing this legislation, I can give the negotiating parties at home in Arizona some encouragement. There is light at the end of the tunnel.

This particular settlement agreement is part of a much larger, comprehensive settlement process that will eventually settle all claims of the Gila River Community. I have been involved in several aspects of the Gila negotiations and I am comforted that the negotiations are progressing far enough that the parties are beginning to put their agreements down on paper and actually sign their names to those documents. In reference to his particular agreement, I want to note that my introduction of legislation does not endorse the May 4, 1994 agreement. Rather, my intention is to endorse and encourage the process. The settlement agreement is complex and lengthy and contains some elements that all parties in the larger Gila negotiation proceeds, including the federal government, may not agree with. My purpose in introducing a bill this year is to put a document on the table that will provide an opportunity for all interested parties to comment. In addition, a bill introduced this year will help move the process forward next year.

I encourage the parties to continue their discussions. Indian water settlements are among the most important bills that Congress passes—we in the federal government have a trust responsibility to provide water for tribes and in passing legislation that has been carefully crafted to consider the interests of all parties, we are able to take steps toward fulfilling that trust responsibility.

By Mr. BENNETT (for himself and Mr. MACK):

S. 2609. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes to the Committee on Labor and Human Resources.

THE MEDICAL INFORMATION PROTECTION ACT OF 1998

Mr. BENNETT. Mr. President, today I introduce the Medical Information Protection Act of 1998. I know it is late in the 105th Congress and that there will not be time to give this legislation full consideration. However, I feel strongly about this issue and did not want this session to end without the introduction of this legislation. I feel that great progress has been made and that the legislation that I am introducing addresses many of the concerns that have been expressed. I will include letters and statements of support for the RECORD from the following groups: American Medical Informatics Association; Joint Healthcare Information Technology Alliance; Intermountain Health Care; Premier Institute; Association of American Medical Colleges; American Health Information Management Association; Healthcare Leadership Council; Federation of American Health Systems; American Hospital Association and Pharmaceutical Research and Manufacturers of America. It is my intention to reintroduce this legislation early in the 106th Congress and seek for its passage.

Most individuals wrongly assume that their personal health information is protected under federal law. It is not. Federal law protects the confidentiality of our video rental records, and federal law ensures us access to information about us such as our credit history. However, there is no current federal law which will protect the confidentiality of our medical information and ensure us access to our own medical information. This is a circumstance that must change. This is a circumstance that the Medical Information Protection Act will correct.

At this time, the only protection of an individual's personal medical information is under state law. These state laws, where they exist, are incomplete, inconsistent and inadequate. At last check, there were over 34 states with each state having its own unique set of laws to protect medical records. In many states there is no penalty for releasing and disseminating the most private information about our health and the health care that we have received. Many of our local health care systems continue to expand across state lines and are forced to deal with multiple and conflicting state laws. In addition, advances in technology allow information to be moved instantaneously across the country or around the world. The majority of providers, insurers, health care professionals, researchers and patients agree that there is an increasingly urgent need for uniformity in our laws that govern access to and disclosure of personal health information.

Mr. President, I remind my colleagues that if we do not act by August of 1999, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the Secretary of Health and Human Services (HHS) to put into place regulations governing health information in an electronic format. Thus, we could have a circumstance where paper based records and electronic based records are treated differently. I urge my colleagues to work with me to pass legislation that would give HHS clear direction and provide each American with greater protection of their health information.

Mr. President, I ask unanimous consent that the letters of support be printed in the RECORD.

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

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,
Washington, DC, October 7, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: The Pharmaceutical Research and Manufacturers of America (PhRMA) applauds your introduction of the Medical Information Protection Act of 1998 and your leadership on this issue. This legislation would help patients in important ways. First, it would protect the confidentiality of their medical information. Second, it would help patients with unmet medical needs and their families by facilitating valuable biomedical research leading to the discovery and development of innovative medicines. Third, it would protect and promote health care quality by encouraging the appropriate use of medical information for epidemiological research, pharmaco-economics and outcomes analysis.

Your bill provides a sound regulatory framework to help foster biomedical research and the delivery of high-quality care in an increasingly integrated health care system, while at the same time preserving the confidentiality of sensitive medical information identifying patients.

PhRMA welcomes the Medical Information Protection Act of 1998 as a good prescription to help patients, commends you leadership on this issue, and looks forward to working together.

Sincerely,

ALAN F. HOLMER,
President.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 2, 1998.

AHA APPLAUDS INTRODUCTION OF BILL THAT PROTECTS PRIVACY OF PATIENT MEDICAL INFORMATION

The American Hospital Association (AHA) applauds the introduction of a new bill which for the first time would establish a federal confidentiality law that protects patients' private health care information.

As guardians of patient medical information, hospitals and health systems have long sought strong federal legislation that would establish a uniform national standard to protect patient privacy. The bill, the Medical Information Protection Act of 1998, appropriately balances the need to protect the privacy of confidential patient information with the need for that information to flow freely among health care providers.

"Comprehensive confidentiality legislation is critical to thousands of patients who come through the doors of our nation's hospitals each day," said AHA President Dick Davidson. "It puts in place the safeguards needed to protect the most sensitive and personal information. We commend Senator Bennett for introducing the bill and for his leadership and guidance on an issue that is relevant to everyone."

The Medical Information Protection Act bill:

Allows patients in all states access to their records, a right not currently given in some areas.

Establishes full federal preemption of all state confidentiality laws—with the exception of some key public health laws—and sets a uniform standard over weaker or stronger state laws so that patient information is equally protected even as providers are linked across delivery sites and state boundaries.

Recognizes the need for confidential medical information to move appropriately and

timely within groups and systems of providers without impeding the quality of care.

Broadly applies not only to providers, payers, and employers, but also to law enforcement agencies. The Bennett bill moves in the right direction on this issue by setting a national standard for how law enforcers can gain access to confidential patient records.

Contains language that, for the first time, would put in place federal sanctions against those who inappropriately disclose medical information.

"This is an issue that affects each of us personally," Davidson said. "America's hospitals and health systems look forward to working with Senator Bennett and Congress to help enact legislation to protect the privacy of each and every individual they serve."

The AHA is a not-for-profit organization of health care provider organizations that are committed to the health improvement of their communities. The AHA is the national advocate for its members, which includes 5,000 hospitals, health care systems, networks and other providers of care. Founded in 1898, AHA provides education for health care leaders and is a source of information on health care issues and trends. For more information, visit the AHA Web site at www.aha.org.

AMERICAN MEDICAL INFORMATICS ASSOCIATION,
Bethesda, MD, October 5, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: The American Medical Informatics Association (AMIA) is a national organization dedicated to the development and application of medical informatics in support of patient care, teaching, research, and health care administration. On behalf of AMIA's more than 3,800 physicians, researchers, librarians, information systems managers, and other professionals with expertise in information technologies, I write to commend you on the introduction of the "Medical Information Protection Act of 1998."

AMIA recognizes that the enormous potential of computer and communications technology to improve health care delivery, quality and access cannot be realized unless individuals, and the society-at-large, are reasonably certain that safeguards are in place to protect the confidentiality of personal health information in medical records. Simply, every person must feel that his or her health data is protected against unnecessary disclosure. At the same time, there can be no doubt that the delivery of highest quality health care and advances in medical research cannot proceed without the timely and efficient transfer of health data across the health information infrastructure. Thus, in developing national standards for health information, Congress—as charged by the Health Insurance Portability and Accountability Act of 1996—must thoughtfully and carefully balance the rights of individuals, the capacity of the health care system to provide needed health care, and the interests of our nation as a whole. We believe that the "Medical Information Protection Act" does an admirable job of accomplishing those complex goals.

Our association is especially concerned that health information standards allow appropriate access to health data for research, while adequately protecting patient confidentiality. Dr. Don Detmer, Co-Chair of AMIA's Public Policy Committee, was pleased to consult with your staff on a number of occasions to address that issue, and to devise enforcement mechanisms to effectively sanction the misuse of protected health information.

The American Medical Informatics Association thanks you for introducing the "Medical Information Protection Act of 1998." We look forward to passage of the bill, an essential first step in the development of a national health information strategy to advance the health of our nation.

Sincerely,

PAUL D. CLAYTON, PH.D.,
President.

JOINT HEALTHCARE INFORMATION TECHNOLOGY ALLIANCE,
October 5, 1998.

Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: Representing a broad array of medical, information, and technology professionals involved in the development, use, management, and security of healthcare information systems, the organizations of the Joint Healthcare Information Technology Alliance (JHITA) strongly support enactment of federal legislation to protect the confidentiality of medical records. We write today to commend you on the introduction of the "Medical Information Protection Act of 1998."

The more than 50,000 members of our constituent organizatons—physicians, researchers and other health professionals, medical records professionals and information systems managers and executives, healthcare information technology developers and vendors—believe that computer and communications technologies hold enormous potential to improve healthcare delivery, quality and access, while also reducing costs. Yet, these benefits cannot be realized unless individuals, and society, are confident that safeguards are in place to protect the confidentiality of personal health information. Simply, every person must feel that his or her health data is protected against unnecessary disclosure. At the same time, there can be no doubt of the need for timely and efficient transfer of health data across the health information infrastructure. Thus, national standard for the collection, use and dissemination of healthcare information must thoughtfully and carefully balance the rights of individuals, the capacity of the healthcare system to provide needed services and the interests of our nation as a whole. The JHITA believes that the "Medical Information Protection Act" does an admirable job of accomplishing those complex goals.

In order for national fair information standards to offer consistent and genuine guidance and protection to healthcare professionals and consumers, and effect significant Federal penalties and sanctions for the misuse of health data, the JHITA believes that federal law must preempt the current patchwork of federal, state and local laws and regulations governing health information. We applaud your commitment in the "Medical Information Protection Act" to a uniform and high level of confidentiality for all health information, regardless of the individual's diagnosis or state of residence."

The Joint Healthcare Information Technology Alliance thanks you for introducing the "Medical Information Protection Act. We look forward to working with you to win passage of the bill, an essential first step in the development of a national health information strategy that will advance the health of our nation and protect the rights of all.

Sincerely,

LINDA KLOSS,
Executive Vice President & CEO, AHIMA.
CARLA SMITH,
Executive Director, CHIM.
JOHN PAGE,
Executive Director, HIMSS.
DENNIS REYNOLDS,
Executive Director, AMIA.
RICHARD CORRELL,
President, CHIME.

AMERICAN HEALTH INFORMATION MANAGEMENT ASSOCIATION,
Washington, DC, October 6, 1998.

Senator ROBERT F. BENNETT,
Dirksen Building,
Washington, DC.

DEAR SENATOR BENNETT: On behalf of the more than 37,000 members of the American Health Information Management Association (AHIMA), thank you for once again being in the forefront of the effort to pass legislation to protect the confidentiality of individually identifiable health information. AHIMA is pleased to offer its strong support for *the Medical Information Protection Act of 1998.*

During the past several years, we have worked with you and your Legislative Director Paul A. "Chip" Yost and developed several legislative proposals that have resulted in the current bill. The hard work put into the drafting of this landmark legislation has paid-off. The bill strikes a hard-to-achieve balance between protecting the confidentiality of a patient's health information while not impeding the provision of patient care or the operations of the nation's health care delivery system. One of the most important facets of *the Medical Information Protection Act* is that it contains strong criminal and civil sanctions to provide remedies against wrongful disclosure of health information. In addition, the legislation will eliminate the current patchwork-quilt of various state statutes and regulations, thus providing all Americans the confidentiality protections that they truly deserve.

Senator, AHIMA is pleased to continue working with you and your office on this important issue. Your dedication has kept us encouraged that Congress will pass legislation to establish a uniform national policy for the use and disclosure of individually identifiable health information. As you know from our past association, AHIMA has been a leader in the effort to pass comprehensive confidentiality legislation. Throughout the legislative process, we have achieved a reputation for working on a bipartisan basis with various elected officials and health policy makers. In this context, we continue to support your efforts and offer our assistance and expertise to help move this important issue forward.

Again, thank you for your dedication to this important issue. If AHIMA can provide any assistance, please do not hesitate to contact me in the AHIMA Washington, DC Office at (202) 218-3535.

Sincerely,

KATHLEEN A. FRAWLEY, JD,
Vice President, Legislative and Public Policy Services.

HEALTHCARE LEADERSHIP COUNCIL,
Washington, DC, October 7, 1998.

HEALTHCARE LEADERSHIP COUNCIL COMMENDS SENATOR BENNETT FOR MEDICAL INFORMATION ACT OF 1998

WASHINGTON, DC.—The Healthcare Leadership Council (HLC) today commended Sen. Robert Bennett (R-UT) for introducing the "Medical Information Protection Act of 1998."

"This bill protects the confidentiality of patient health information and establishes new federal penalties for its misuse," said HLC President Pamela G. Bailey. "At the same time, the Bennett bill allows for the appropriate use of patient health information to promote a better health care delivery system and protect vital health care research."

Information is the cornerstone of a high quality, innovative health care system," Bailey said. "In fact, it can be an issue of life or death. Without access to patient information, physicians, health plans, hospitals and researchers would be unable to provide the high standard of care that Americans deserve."

As the leading innovators in the health care industry, HLC members support federal rules to ensure patient confidentiality rather than the increasingly confusing patchwork of state laws. "The Bennett bill would replace this patchwork of state laws with a strong federal law that protects patients and provides a workable, uniform framework that facilitates the delivery of the highest quality health care."

"In the debate over patient confidentiality, we sometimes lose sight of what most patients want most—to get healthy. Fundamental to the fantastic advances made in treatment of so many diseases is our ability to use patient information throughout our increasingly complex health care system," said Bailey.

The HLC is committed to working toward final enactment of comprehensive, uniform confidentiality legislation by the August 1999 deadline imposed under the Health Insurance Portability and Accountability Act.

The HLC is a coalition of the chief executive of America's leading health care institutions.

FEDERATION OF
AMERICAN HEALTH SYSTEMS,
Washington, DC, October 7, 1998.

FAHS PRAISES INTRODUCTION OF MEDICAL INFORMATION PROTECTION ACT

APPLAUDS UTAH GOP SENATOR BENNETT FOR HIS LEADERSHIP AND HEALTH COMMUNITY OUTREACH EFFORTS

The Federation today praised Sen. Robert Bennett (R-UT) for introducing the Medical Information Protection Act of 1998 and applauded his leadership in drawing upon the input of a broad range of health care organizations in crafting the legislation.

"Although it's a bit like walking a tightrope, Sen. Bennett's commitment to working with varying interests on this important issue should be commended," said Laura Thevenot, Federation Executive Vice President and COO. "He has approached the task before Congress of passing legislation relating to medical records confidentiality by August of 1999 with openness and a real determination to reach a consensus that protects patients and still allows hospitals and health systems to do their jobs. This legislation establishes a good framework for an issue that will be debated at length when the 106th Congress convenes next January."

Thevenot highlighted a couple of key provisions in the legislation: uniform national confidentiality standards, which would avoid a cumbersome patchwork of state law and regulation, and enhanced security safeguards to ensure appropriate access to patient data.

"As the debate moves forward, one of the Federation's primary concerns is that Congress not tie the hands of hospitals and health systems by putting obstacles in the way of their commitment to provide the necessary treatment and care patients need," Thevenot added. "Our commitment has always been and will remain to serve the patient. Proper uses of information for treatment, payment, quality improvement, and where appropriate, research, are a critical component of that commitment."

INTERMOUNTAIN HEALTH CARE,
Salt Lake City, UT, October 2, 1998.

Hon. ROBERT F. BENNETT,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BENNETT: Intermountain Health Care ("IHC") applauds the introduction of the "Medical Information Protection Act of 1998." IHC is deeply appreciative of your leadership in developing legislation to establish uniform federal confidentiality standards. IHC also wishes to express its deep appreciation of the hard work and dedication of Chip Yost and Mike Nielsen of your staff.

The bill you have crafted reflects a keen understanding of the need to strike an appropriate balance between safeguarding patient identifiable health information and facilitating the coordination and delivery of high quality, network-based health care, such as that provided at IHC. Indeed, striking the right balance is critical to the delivery of the best possible patient care.

As you well know, IHC has developed state-of-the-art electronic medical records and common databases which we used extensively not just for treatment and payment but for such fundamental quality enhancing activities as outcomes review, disease management, health promotion and quality assurance. You bill rightly recognizes that all of these efforts are essential to optimizing patient health.

In addition, we are particularly pleased that you have called for federal preemption of state law. Health systems like IHC, which operate across state lines, would have enormous difficulty complying with different federal and state standards.

As you know, IHC is a large integrated health care delivery system based in Salt Lake City and operating in the states of Utah, Idaho, and Wyoming. The IHC system includes 23 hospitals, 33 clinics, 16 home health agencies, and 400 employed physicians. Additionally, our system operates a large Health Plans Division with enrollment of 350,000 directly insured plus 430,000 who use our networks through other insurers. IHC's 20,000 employees are keenly aware of their responsibility to safeguard personal health information and IHC has invested considerable resources in order to develop effective protections and procedures.

IHC pledges to work with you toward enactment of this important legislation well in advance of the August 1999 deadline established by the Health Insurance Portability and Accountability Act of 1996. Please do not hesitate to contact me or IHC's Washington Counsel Michael A. Romansky (202/756-8069) and Karen S. Sealander (202/756-8024) of McDermott, Will & Emery with questions or for further information.

Sincerely,

JOHN T. NIELSEN, ESQ.,
Senior Counsel and
Director of Government Relations.

PREMIER INSTITUTE,
Washington, DC, October 5, 1998.

THE PREMIER INSTITUTE APPLAUDS INTRODUCTION OF THE MEDICAL INFORMATION PROTECTION ACT OF 1998

Washington, DC.—Jim Scott, president of the Premier Institute, commended Senator Robert F. Bennett (R-UT) for his leadership in introducing the "Medical Information Protection Act of 1998." "This legislation protects patients from being subjected to unauthorized or inappropriate use of their medical records and, at the same time, ensures that hospitals and health plans have access to information necessary to do their jobs in serving patients," said Scott. "Senator Bennett creates workable standards that protect patient's confidentiality and assures that medical information is available for the treatment, quality assurance, and research needs that are so important to our health care system and the patients it serves."

The Bennett bill recognizes the many legitimate uses for medical information and provides the right regulatory framework for safeguarding the use and disclosure of protected health information by the health care industry. The bill permits its use for patient treatment, quality enhancing activities, payment for health care activities, and research for the development of life saving pharmaceuticals and new medical procedures. By providing for a singular authorization process when a patient accesses the health care system, the bill avoids costly administrative burdens for health care providers and barriers to the efficient use of information within integrated care networks, hospital systems, physician-hospital organizations, or managed care organizations.

The bill also adopts uniform national confidentiality standards. Given the increasingly complex and interstate nature of the way health information flows in today's delivery system, strong preemption of state confidentiality laws protects consumers and minimizes the costs associated with the increasing patchwork of conflicting state laws.

Finally, the bill clearly recognizes the value of medical research and does not establish unnecessary barriers to research. It allows for the use of protected health information in research activities while holding medical researchers to confidentiality requirements that protect the identity of the individuals in a medical study. Under this bill, researchers will continue to have access to databases of patient information that are crucial in discovering trends and anomalies that lead to cures for diseases over time.

"Today marks the introduction of an important piece of legislation for the future of our health care system," said Scott. "We look forward to working with Senator Bennett to enact the right patient confidentiality standards into law."

Premier is a strategic alliance of leading hospitals and healthcare systems across the country, representing nearly 215 owners and the 800 hospitals and healthcare facilities they operate, and approximately 900 other affiliated hospitals. Premier provides hospitals and healthcare systems across the nation with products and services designed to help them reduce costs, develop integrated delivery systems, manage technology, and share knowledge. The organization maintains offices in Charlotte, NC; San Diego, CA; Chicago, IL; and Washington, DC.

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, DC, October 2, 1998.

Hon. ROBERT BENNETT,
U.S. Senate, Dirksen Senate Offices Building, Washington, DC.

DEAR SENATOR BENNETT: I write to convey the Association of American Medical Colleges' (AAMC) support for your bill entitled the "Medical Information Protection Act." The AAMC represents the nation's 125 accredited medical schools, approximately 400 major teaching hospitals, and 86 academic and professional societies representing over 90,000 faculty members.

We believe the Medical Information Protection Act is a thoughtful effort to address the very important and complex issues surrounding the protection of patient health information. This legislation is a significant step in the right direction as Congress attempts to achieve the delicate balance between the competing goods of individual privacy and the considerable public benefit that results from controlled access to health information that is crucial to our country's continuing ability to deliver high-quality health care and cutting-edge research.

Over the past year, the AAMC has advocated for medical information privacy legislation that employees appropriate confidentiality safeguards while ensuring access to patient records and other archival materials required to pursue biomedical, behavioral, and health services research. The AAMC is pleased that the Medical Information Protection Act incorporates many of the major principles articulated by the Association.

In particular, the AAMC supports the legislation's clear and workable definitions for "protected health information" and "non-identifiable health information," the creation of appropriate safeguards and stiff penalties to protect patient confidentiality, and the proposed preemption of state privacy laws. While recognizing that preemption is a politically highly-charged issue, the Association believes that, in an era of rapidly emerging information technology and major consolidation of the health care industry, protecting the ability of medical information to flow unimpeded across state lines is essential to the functioning of a high-quality, medically-effective and efficient care delivery system.

In addition, the AAMC applauds the bill's affirmation of support for the role of institutional review boards in the disclosure of protected health information for research purposes. We believe that the security of medical information created, maintained and used in the course of medical research would be significantly strengthened by the provisions of this bill.

We thank you for your leadership on this issue and look forward to continuing to work with you as this bill is considered by the Senate.

Sincerely,

JORDAN J. COHEN, M.D.
President.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. KERRY, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2610. A bill to amend the Clean Air to repeal the grandfather status for electric utility units; to the Committee on Environment and Public Works.

THE CLEAN ELECTRIC POWER ACT OF 1998

Mr. LIEBERMAN. Mr. President, I am pleased to introduce today the Clean Electric Power Act of 1998, and to be joined by my colleagues Senators DODD, KERRY, LAUTENBERG, and TORRICELLI.

This legislation would address a gap in the Clean Air Act that exempts older power plants from strict environmental standards, allowing them to emit more pollutants than newer facilities and contributing to serious environmental problems. This disparity is of particular concern right now as we enter the new world of restructuring of the electric utility industry—a world that was never envisioned at the time of any of the Clean Air Act Amendments, including the 1990 Amendments. Because most of the older plants don't have to expend the same amount of money on environmental controls that newer plants do, it is simple economics that these older plants will benefit under deregulation by increasing their generation of power and, therefore, their emissions of dangerous pollutants into the air. This situation is unfair to utilities that generate electricity while meeting stricter environmental standards, and it is unfair to the public whose health will be endangered.

Electricity deregulation carries the promise of enormous benefits for the consumer in terms of reduced electric bills which I strongly support. But unless we do it right, electricity deregulation also can result in significant adverse environmental and public health effects. Some of the early results from the initial efforts at deregulation of wholesale power sales, as well as studies containing projections about what might occur, are very disturbing:

In February, EPA projected increases of 553,000 tons of nitrogen oxides and 62 million tons of carbon by the year 2010 resulting from restructuring, without provisions in restructuring legislation to address pollution increases.

The Northeast States for Coordinated Air Use Management in January 1998 found that several large Midwestern power companies substantially increased their wholesale electricity sales between 1995 and 1996. This meant substantially increased generation at several of the companies' highest polluting coal-fired power plants, large increases in the flow of power from the Midwest towards the east, and substantial increases in emissions from power plants.

A 1995 Harvard University Study concluded that electricity restructuring could adversely affect environmental quality for a number of reasons, including increasing utilization of older, higher emitting coal facilities.

A 1996 Resources for the Future Study examined the regional air pollution effects that could result from a more competitive market. The study concluded that in the year 2000, the Nation's NO_X emissions would increase by about 350,000 tons and the carbon dioxide emissions would increase by about 114 million tons.

Let me give a little background about how we got to where we are.

A series of requirements in the 1970 and 1977 Clean Air Act and amendments thereto required that utility plants meet new source performance standards for pollutants, including nitrogen oxides and sulfur dioxide. The act defines these standards as emissions limits reflecting the degree of emission limitation achievable through the application of the best system of emission reduction, taking into account cost, as determined by the Administrator. However, these standards were only imposed on new generating plants, and did not cover existing plants, plants under construction, or in the permitting process or being planned for, unless they undertook major construction.

At the time, the view was that it would be more cost-effective to impose stricter standards on new facilities than existing ones, and that many of the existing facilities would be retiring soon. But for a number of economic reasons, the anticipated retirement of plants did not occur. More than half of the power plants operating today were built before the new source standards went into effect.

My legislation would require that power plants that generate electricity that flows through transmission or connected facilities that cross State lines comply with the stricter environmental standards. It would also require EPA to set up a market-based allowance trading program to allow utilities to comply in the most cost-effective manner.

Electric power generating plants are among the largest sources of air pollution in the United States. According to EPA reports, power plants account for 67 percent of all sulfur dioxide emissions, 28 percent of all nitrogen oxide emissions, 36 percent of all carbon dioxide emissions and over 33 percent of mercury emissions. These pollutants contribute significantly to some of the most urgent public health and environmental problems in the United States, including smog, fine particles acid rain, excessive nutrient loads to important water bodies such as Long Island Sound, toxic impacts on health and ecosystems from mercury emissions, climate change, and nitrogen saturation of sensitive forest ecosystems.

This is not to say that older plants do not have any pollution controls. Some controls are required on these plants under older standards, State Implementation Plans, and the requirements under the acid rain provisions of the Clean Air Act Amendments of 1990. But in many cases, the controls fall far short of levels that would be achieved under the new source performance standards. Some studies show that the older plants emit pollutants at rates

that are often four to ten times higher than the cleanest operating plants, but there is significantly less disparity in areas where states have imposed tighter controls under the State Implementation Plans, state laws or regional programs such as California and parts of the Northeast. In addition, EPA's new regulation requiring 22 states to reduce NO_X emissions will result in significant reductions at many power plants. The bill makes clear that nothing affects the obligations of sources to comply with that new regulation in the timeframe set forth by EPA or to comply with any other provision of the Clean Air Act.

But we still have a situation where there is currently an unacceptably high level of power plant emissions and, in many cases, a disparity in emission requirements between different generators. On top of this, we have a new era of electricity deregulation and restructuring which we are entering at a rapid pace; in the foreseeable future, retail consumers all over the country may be able to choose their supplier of electricity. As I've noted, this era of deregulation was never envisioned at the time of either the 1977 Clean Air Act Amendments or the more recent 1990 Amendments. Increasing competitive markets provide opportunities for relatively low cost generators to increase generation; where cost differentials are due in part to differences in emission standards this will mean increases in generation at the highest emitting plants.

Mr. President, the good news is that cost-effective technologies are available to meet these stricter standards. For example, the Northeast States for Coordinated Air Use Management and the Mid-Atlantic Regional Air Management Association have recently completed a report on the availability of controls for NO_X and the cost-effectiveness of those controls. The report shows that a number of advanced emissions control technologies are available that can reduce NO_X emissions from utilities by 85 percent or more, and that these controls are not only feasible but are highly cost-effective. The report looked at real world experience with the application of available technology at 19 coal fired facilities and found that NO_X emissions nearly 50 percent stricter than EPA's new standard for NO_X can be achieved at the vast majority of coal utilities. Of course, under the bill grandfathered utilities would have the option of purchasing allowances as an alternative method of meeting the performance standards.

Mr. President, as we enter the era of deregulation we have a unique opportunity to provide great benefits for the consumers and reduce air pollution, which I strongly support. But we need to ensure that proper pollution safeguards are in place to rectify the current disparity in standards and to ensure that air pollution does not increase in a competitive market.

Mr. President, I ask unanimous consent that the full text of my legislation be included in the RECORD.

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

S. 2610

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

SECTION 1. STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY UNITS.

(a) FINDINGS.—Congress finds that—

(1) older electric utility units are exempt from strict emission control requirements applicable to newer facilities, allowing some older units to emit greater quantities of dangerous pollutants;

(2) this disparity in regulatory treatment is of particular concern in the new era of electric utility restructuring, which was never envisioned at the time of enactment of the Clean Air Act (42 U.S.C. 7401 et seq.) or amendments to that Act;

(3) in an era of electric utility restructuring, utilities that spend less money on environmental controls will be able to increase their generation of power and emissions of dangerous pollutants;

(4) this situation results in an unfair competitive disadvantage for utilities that generate electricity while meeting strict environmental standards; and

(5) electricity restructuring can result in enormous benefits for consumers and the environment if done right.

(b) STANDARDS.—Section 111 of the Clean Air Act (42 U.S.C. 7411) is amended by adding at the end the following:

"(k) STANDARDS OF PERFORMANCE FOR ELECTRIC GENERATING UNITS.—

"(1) DEFINITION OF GRANDFATHERED UNIT.—In this subsection, the term 'grandfathered unit' means a fossil fuel-fired electric utility unit that, before the date of enactment of this subsection, was not subject to the standards of performance set forth in subpart D of part 60 of title 40, Code of Federal Regulations, or to any subsequently adopted standard of performance under this section applicable to fossil fuel-fired electric utility units.

"(2) APPLICABILITY.—Notwithstanding any other provision of law, in the case of a fossil fuel-fired electric utility unit, a standard of performance under this section that applies to new or modified electric utility units shall also apply to a grandfathered unit that—

"(A) has the capacity to generate more than 25 megawatts of electrical output per hour; and

"(B) generates electricity that flows through transmission or connected facilities that cross State lines (including electricity in a transaction that for regulatory purposes is treated as an intrastate rather than an interstate transaction).

"(3) DEADLINES FOR COMPLIANCE.—Each grandfathered unit shall comply with—

"(A) a standard of performance established under this section before the date of enactment of this subsection, not later than 5 years after the date of enactment of this subsection; and

"(B) a standard of performance established under this section on or after the date of enactment of this subsection, not later than 3 years after the date of establishment of the standard.

"(4) ALTERNATIVE COMPLIANCE.—

"(A) IN GENERAL.—To provide an alternative means of complying with standards of performance made applicable by this subsection, the Administrator shall—

"(i) establish national annual limitations for calendar year 2003 and each calendar year thereafter for each pollutant subject to the standards at a level that is equal to the aggregate emissions of each pollutant that would result from application of the standards to all electric utility units subject to this section;

"(ii) allocate transferable allowances for pollutants subject to the standards to electric utility units subject to this section in an annual quantity not to exceed the limitations established under clause (i) based on each unit's share of the total electric generation from such units in each calendar year; and

"(iii) require grandfathered units to meet the standards by emitting in any calender year no more of each pollutant regulated under this section than the quantity of allowances that the unit holds for the pollutant for the calendar year.

"(B) CALCULATION OF LIMITATIONS.—In calculating the limitations under subparagraph (A)(i), the Administrator shall apply the standard for the applicable fuel type in effect in calendar year 2000.

"(5) NO EFFECT ON OBLIGATION TO COMPLY WITH OTHER PROVISIONS.—Nothing in this subsection affects the obligation of an owner or operator of a source to comply with—

"(A) any standard of performance under this section that applies to the source under any provision of this section other than this subsection; or

"(B) any other provision of this Act (including provisions relating to National Ambient Air Quality Standards and State Implementation Plans).".

By Mr. ROTH (for himself, Mr. LIEBERMAN, and Mr. MACK):

S. 2611. A bill to amend title XVIII of the Social Security Act to enable medicare beneficiaries to remain enrolled in their chosen medicare health plan; to the Committee on the Judiciary.

MEDICARE LEGISLATION

Mr. ROTH. Mr. President, yesterday the President announced his plans for helping Medicare beneficiaries who are enrolled in health plans which are not renewing their Medicare contracts for next year. I am glad that President Clinton recognizes the problems Medicare beneficiaries are facing and I think it is important that we all work together to address this issue. But I am concerned that the President offered a 'tomorrow' solution for today's problem.

The problems facing Medicare HMO beneficiaries need attention now and cannot wait until next year. The President's proposal is inadequate and we must take immediate action to help Medicare beneficiaries to stay in their chosen health plans.

Across the country, including in my home state of Delaware, thousands of Medicare beneficiaries are losing their HMO coverage and being forced back into the original Medicare program with expensive Medigap policies. We need to help these beneficiaries today.

I am urging my colleagues in the House and Senate to act now to allow Medicare managed care plans that have withdrawn from the program to get back into Medicare. The legislation I am introducing today, along with my colleagues Senator LIEBERMANN and Senator MACK, would instruct the Health Care Financing Administration to allow these plans to restructure their costs where justified. This would give many of the health insurance providers the flexibility they need to go back in to these markets. But most critically important, it would give beneficiaries the opportunity to remain in their current plans without the disruption and increased costs that they will otherwise face.

I am presenting this legislation today after several attempts over the last month to work with the Administration to allow Medicare+Choice plans to update their cost and beneficiary filings for 1999. I had hoped to resolve this problem administratively—before these plans made their final decisions to pull out of 371 counties leaving 220 thousand beneficiaries to find another Medicare option. I sent a letter to HCFA head Nancy-Ann Min Deparle urging HCFA to take immediate action to prevent these manage care plans from leaving the Medicare+Choice program.

I find it highly regrettable that the Health Care Financing Administration decided not to allow Medicare+Choice plans to update their cost and benefit filings for 1999. This decision could undermine the Medicare+Choice program enacted into law just last year and which I believe holds so much promise for improving Medicare for seniors.

HCFA's shortsighted decision will result in large out-of-pocket cost increases, fewer benefits, and fewer choices for hundreds of thousands of Medicare beneficiaries. The beneficiaries who will bear the hardest brunt of the Administration's decision are the 455,000 enrolled in non-renewing Medicare+Choice plans in counties where no additional plans exist. These beneficiaries will now be left with only a significantly more expensive Medicare option; that is, the original Medicare program combined with a Medigap insurance policy. This is particularly unfortunate given that premiums for Medigap insurance policies have been sharply increasing each year. In fact, the American Association for Retired Persons announced just this week that its Medigap insurance premiums will increase by an average of 9 percent nationwide next year.

And even in areas where beneficiaries will be left with one or more health plan options, the plan withdrawal will result in reduced competition which translates to higher out-of-pocket costs for Medicare beneficiaries.

I am very concerned by the agency's failure to evaluate potential increased beneficiary cost-sharing when making the critical decision not to allow plans to update their cost and benefit filings. I believe this action demonstrates HCFA's continued resistance to facilitate private plan choices for Medicare beneficiaries, regardless of the consequence to beneficiaries.

I hope that the Congress and President Clinton will fight the temptation to play politics with Medicare and instead do the right thing for beneficiaries by taking action before Congress adjourns for the year to help beneficiaries to remain in their current Medicare health plans if they so choose. Next year, we can work together toward a more comprehensive solution to this issue.

By Mr. FORD:

S. 2612. A bill to provide that Tennessee may not impose sales taxes on any goods or services purchased by a resident of Kentucky at Fort Campbell, nor obtain reimbursement for any unemployment compensation claim made by a resident of Tennessee relating to work performed at Fort Campbell; to the Committee on Governmental Affairs.

FORT CAMPBELL TAX FAIRNESS ACT OF 1998

Mr. FORD. Mr. President, today I introduce the Fort Campbell Tax Fairness Act. This legislation is designed to restore some sense of balance and maintain some level of fairness in the taxation of individuals who work at the Fort Campbell military installation in Kentucky and Tennessee.

My colleagues may recall that earlier this month, an unprecedented provision was included in the Defense Authorization bill which granted special tax status for a single site—Fort Campbell—to Tennessee residents who work on the Kentucky side of the border. Even worse, the provision in the Defense bill preempted State tax law. It preempted the ability of my State to administer its own tax laws in a fair manner, and in a way in which the State determined was fairest and best.

The provision adopted in the Defense bill exempts Tennessee residents who work in Kentucky at Fort Campbell from paying Kentucky state income taxes. This special exemption was snuck into the House version of the bill, and then maintained in the conference committee. It is extremely unfair.

Mr. President, the Congress has no business dictating to States how they should administer their own tax laws. This is a matter for the States to determine by themselves. The basic principle of taxation is that income is taxed at the location where it is produced. There are exceptions to this rule, but generally they are worked out among and between States themselves. The only other exceptions of which I am aware relate to federal employees with a unique interstate aspect to their jobs, like members of the military or Members of Congress, or other employees with a special interstate job situation, like Amtrak employees or those involved in constructing interstate highways.

I have never heard of a special State tax exemption for private sector employees at a single site. That is, I had never heard of it until I saw this year's Defense Authorization bill.

But Mr. President, the provision in the Defense Authorization bill is a one way street. It preempts Kentucky state law for Tennessee residents who would otherwise be taxed within Kentucky's borders. But there is no comparable preemption of Tennessee state law for Kentucky residents who are taxed at Fort Campbell within Tennessee's borders.

As a matter of basic fairness, if Tennessee residents are to be granted a special tax exemption while on the Kentucky side of Fort Campbell, Kentucky residents should be given equal consideration while on the Tennessee side of Fort Campbell. In addition, it is currently the case that unemployment compensation for any Tennessee residents who work on the Kentucky side of Fort Campbell are paid out of Kentucky tax dollars. This should no longer be the case now that Tennessee workers are being given a special tax status and are exempt from Kentucky laws.

My legislation attempts to correct these new inequities created by the passage of this year's Defense Authorization bill. First, it would direct that Tennessee sales taxes imposed on the Tennessee side of Fort Campbell apply only to Tennessee residents. The distinguished Senator from Tennessee, in debate on the Defense Authorization bill, asserted that no such taxes are currently collected at Fort Campbell. Therefore, he should have no objection to this provision whatsoever. However, I have been informed that Tennessee sales taxes are in fact collected from private business operations within the Fort Campbell boundaries. So this provision is badly needed as a matter of fairness.

Second, the legislation clearly states that the Commonwealth of Kentucky has absolutely no obligation to continue paying the unemployment benefits of Tennessee residents out of Kentucky tax dollars. Since Tennessee residents have been given this special tax status and preemption of State laws, Kentucky should no longer have any liabilities should these workers become unemployed. Those claims should be the responsibility of the State of Tennessee.

Mr. President, I have always attempted to fiercely defend the interests of my State during my 24 years in the Senate. The special tax preemption provision tucked into the Defense Authorization bill was one of the most unfair provisions imaginable, singling out

my State for unfair treatment. I realize the time is short in the current session, and the odds of enacting this legislation are not great in the days ahead. However, I am introducing this bill to go on the Record in advocating fairness for my State. It is my hope that when the Congress reconvenes vigorously pursue efforts to pass this legislation and correct an unfairness which has been imposed upon my State.

By Mr. COATS:

S. 2614. A bill to amend chapter 96 of title 18, United States Code, to enhance the protection of first amendment rights; to the Committee on the Judiciary.

THE FIRST AMENDMENT FREEDOMS ACT OF 1998

Mr. COATS. Mr. President, in 1970, Congress passed provisions known as the Racketeer Influenced and Corrupt Organization Act, or RICO, as part of the larger Organized Crime Control Act of 1970. The bill was designed to help law enforcement officials better address the plague of organized crime, and has been a valuable tool in this effort.

During drafting of this legislation, concerns were raised by several members of this body, including my colleague from Massachusetts, Senator KENNEDY, that the bill was written so broadly that it might be used against organized civil disobedience, including anti-war demonstrators. This was at the height of the Vietnam War, and anti-war demonstrations were taking place across the country. Senator KENNEDY, along with Senator HART of Michigan, submitted their views as part of the Senate Judiciary Committee Report on the Organized Crime Control Act of 1969.

I think their words deserve our attention today. They recognized that, and I quote: "To combat organized crime, as distinguished from other forms of criminal activity, requires procedures specifically designed for that purpose." They continued, "The reach of this bill goes beyond organized criminal activity. Most of its features propose substantial changes in the general body of criminal procedures. Finally, their statement notes that, "Amended to restrict its scope solely to organized criminal activity and to assure the protection of individual rights, the bill could contribute important and useful means of eradicating organized crime." Mr. President, I ask that a copy of this statement from the Judiciary Committee Report be included in the RECORD.

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

INDIVIDUAL VIEWS OF MESSRS. HART AND KENNEDY

To combat organized crime, as distinguished from other forms of criminal activity, requires procedures specifically designed for that purpose.

S. 30, the Organized Crime Control Act of 1969, is billed as a means of providing the procedures necessary to eradicate the disease of organized crime and its serious threat to our national security.

But the reach of this bill goes beyond organized criminal activity. Most of its features propose substantial changes in the general body of criminal procedures.

New rules of evidence and procedure applicable to all criminal jurisprudence are established.

Amended to restrict its scope solely to organized criminal activity and to assure the protection of individual rights, the bill could contribute important and useful means of eradicating organized crime.

Mr. COATS, in direct response to the legitimate concerns raised by Senator KENNEDY, Senator HART, the ACLU, and others, the language of the Organized Crime Control Act was modified to narrow the definition of racketeering activity. These modifications were seen as adequate, and debate moved on to other issues. It is clear from the record of congressional debate that nobody—not the bill's author, Senator MCCLELLAN, not the Judiciary Committee, not the House of Representatives, not my colleague from Massachusetts—nobody was interested in prosecuting civil disobedience as organized crime.

Mr. President, our country has a long and distinguished history of political free speech under the First Amendment. At times, political and social protesters have seen civil disobedience as the best manner to bring the message home. From abolitionists of the 18th and 19th centuries to the civil rights demonstrations of Dr. Martin Luther King, non-violent civil disobedience has played a major role in shaping this nation. While civil disobedience is inherently "disobedient" to the law, and while such violations of the law have consequences, there is a vast difference between organized crime and organized political protest.

Today, this difference is becoming much less noticeable As many of us know, on April 20, 1998, a U.S. District Court jury ruled that anti-abortion leaders had violated federal anti-racketeering statutes by engineering a nationwide conspiracy that involved 21 acts of extortion, mostly the formation of barricades that prevented the use of clinics performing abortions. The defendants were ordered to pay nearly $86,000 in damages. That penalty was automatically tripled under RICO. We are not talking about abortion protesters being charged with political violence—murder, bombing of abortion clinics, or physical violence against patients or employees of the clinics involved. Rather, we are talking about these protesters being charged as racketeers for non-violent forms of civil disobedience.

This is not an isolated decision, but rather followed on the heels of a 1994 Supreme Court opinion regarding the scope of RICO. In the case of NOW v. Scheidler, the Supreme Court ruled that the National Orgnaization for Women could bring suit under RICO against a coalition of anti-abortion groups, alleging the defendants were members of a nationwide conspiracy to shut down abortion clinics through a pattern of racketeering activity. Both the U.S. District Court and Court of Appeals had dismissed the suit on grounds that RICO implied an "economic motive" for the racketeering activity. The Supreme Court reversed the lower court decisions in finding that the letter of the law in RICO did not require proof that either racketeering enterprise or predicate acts of racketeering be motivated by economic purpose. The Supreme Court then remanded the case to the District Court.

The Supreme Court ruling and the subsequent U.S. District Court decision have radically expanded the scope of federal anti-racketeering statues in direct contradiction to the clear intent of Congress in the creation of RICO. The result of the rulings is that civil disobedience is now open to prosecution as organized crime. This is already having a chilling effect on free speech in this country.

Mr. President, before going further on this matter, let me make several things very clear. First, this is not an abortion issue. The Senate must continue to wrestle with the morality of the legality of abortion in this country, and my colleagues are well aware of my deep convictions on this matter, but that is not what I am here to discuss. The application of federal anti-racketeering statues to political protest and civil disobedience is not an abortion issue—it is a First Amendment issue. While the catalyst for the expansion of RICO was its application to pro-life demonstrators, the case could just as easily could have involved civil rights advocates, animal rights activities, anti-war demonstrators, or AIDS activists. The issue is not abortion, it is political speech.

Let me also make clear that the issue is not whether civil disobedience should be punished: it is, and it should be. This country has a proud history of both the rule of law and the practice of civil disobedience. In a nation under the rule of law, civil disobedience has legal consequences. I am not here to debate whether abortion protesters, AIDS activists, or animal rights demonstrators should abide by the law, or, when they break the law, they should be accountable. There are federal and state laws on the books dealing with trespassing, vandalism, and many other crimes commonly associated with civil disobedience. However, the punishment ought to fit the crime. What we have, in the expansion of RICO, is the application of the heavy rod intended for organized crime, being turned against organized political protest.

Finally, let me emphasize that I am not here to debate political violence. Murder, arson, death threats, physical harm—these are not acts of civil disobedience, but of terrorism, and RICO specifically applies to a pattern of such activities. I am not concerned with protecting these actions, whether engaged in by anti-abortion demonstrators or environmental activists.

What does concern me deeply, is the prosecution of non-violent civil disobedience as racketeering activity. Under RICO, whoever participates in a commercial "enterprise" or an "enterprise" which has an impact on commerce, through a pattern of specific criminal "racketeering" activity, can be penalized. Typical "racketeering" activity includes murder, kidnapping, robbery, arson, bribery, loan-sharking, mail fraud, wire fraud, obstruction of justice, witness retaliation, or extortion. Also included as racketeering activity is violation of the Hobbs Act, which modified the Anti-Racketeering Act of 1934. The Hobbs Act includes a provision which prohibits affecting commerce by "extortion" using "wrongful or threatened force, violence, or fear."

It is this final provision which has been expanded by the Courts to apply to those engaged in civil disobedience. While under common law understanding, "extortion" requires the actual trespatory taking of property, the term is now being interpreted as

"coercion," which involves compulsion of action. Political and social protest by its very nature attempts to compel a change of actions, whether it be the actions of a logging company cutting old growth forests, a restaurant that will not serve minorities, a business that will not promote women, or a health clinic performing abortions. Such organized efforts to compel action, inherent in civil disobedience, are now captured in the net of RICO.

As I stated earlier, Congress did not envision, and could not conceive, of this application of the law, especially in the wake of the modifications undertaken at the time. In its original draft, RICO specified, and I quote, "any act dangerous to life, limb, or property," as predicate offenses. In direct response to concerns raised by several members of Congress, including the Senator from Massachusetts, that this wording could put civil disobedience into jeopardy, the language was redrafted to clearly define RICO's predicate offenses, specifying particular state and federal offenses. No offense remotely related to rioting, trespass, vandalism, or any other aspect of a demonstration that might stray beyond constitutional limits was included as racketeering activity. While state and federal law continues to apply to many of these violations, these were intentionally excluded from the scope of anti-racketeering laws and the increased punishments these entailed.

Mr. President, in response to recent Court rulings which have grossly expanded the scope of federal anti-racketeering laws to cover non-violent political protest, I am introducing the First Amendment Freedoms Act today. This legislation restores RICO to its originally intended application of organized criminal activity, and codifies Supreme court opinion regarding the protection of First Amendment rights.

Specifically, the bill does two things. First, it narrows the judicially expanded definition of "extortion" under RICO, which has allowed for the erroneous prosecution of civil disobedience under this statute. Second, it assures that, in any civil action brought under RICO or any other legal theory, the litigation is conducted consistent with the First Amendment guidelines of the Supreme Court.

Our nation has a long and distinguished history of non-violent civil disobedience as a legitimate form of political and social protest. Such activity has legal consequences. However, such activity is not the equivalent of organized crime. The prosecution of political and social protest under federal anti-racketeering statutes is entirely contrary to anything Congress foresaw in enacting RICO. Congress should act expeditiously to correct this obvious misapplication of the law.

Martin Luther king, Jr., in his acceptance of the Nobel Peace Prize in 1964, said that: "Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence." Those who engage in non-violent civil disobedience should not, and it was never the intent of Congress that they would be, prosecuted as criminal racketeers. If the current interpretation of the law had been in effect in the 1950's and 60's, the civil rights movement could easily have been quashed. I trust that Congress will take steps to address this matter in a timely manner.

By Mr. MURKOWSKI:

S. 2615. A bill to study options to improve and enhance the protection, management, and interpretation of the significant natural and other resources of certain units of the National Park System in northwest Alaska, to implement a pilot program to better accomplish the purposes for which those units were established by providing greater involvement by Alaska Native communities, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA NATIONAL INTEREST LEGISLATION

• Mr. MURKOWSKI. Mr. President, the legislation that I have introduced today will require the Secretary of the Interior to report on what he has done, or not done, to implement the requirements of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act. Those provisions sought to mitigate the effect of the designation of over 100 million acres of land in Alaska for permanent preservation on the Alaska Natives who have lived in the areas for centuries. Those provisions required the Secretary to allow those who were already providing visitor services to continue to provide such services and also provided a preference in hiring at those conservation units for local residents.

Those provisions were intended to accomplish several objectives. First and foremost, they were designed to ensure that local residents who would assume the costs attendant to the establishment of these conservation units as a result of future limitations on economic opportunities received some of the benefits from whatever jobs were created. The provisions also ensured that the rich history and knowledge of the area that the local native population possessed was made available to visitors. For a change, Washington could learn from those in the surrounding communities. There would also be an incidental benefit from hiring local residents to the budget of the National Park Service since they would not have to pay employees to relocate to Alaska.

Mr. President, while speaking to the issue of benefits, I have been told by several of the residents of Kotzebue that they have assisted in the rescue of Park Service personnel on a number of occasions. It makes little sense to me to bring someone to the Northwest parks from the lower forty-eight who is unfamiliar with the rugged terrain and treacherous weather. It makes better sense to hire an individual who stands little chance of getting lost or stranded.

This is not a new concept. In various other units of the National Park System we have made provisions to take advantage of local communities, especially where the resource has particular historic or religious significance. At Zuni-Cibola Historical Park, for example, section 4 of Public Law 100–567 specifically authorizes the Secretary to enter into cooperative agreements with the Zuni Tribe and individual tribal members to provide training for the interpretation, management, protection, and preservation of archaeological and historical properties and in the provision of public services on the Zuni Indian Reservation to accomplish the purposes for which that unit of the Park System was established.

At the National Park of American Samoa, the Secretary has been directed to establish a program to train native American Samoan personnel to function as professional park service employees and to provide services to visitors and operate and maintain park facilities. The law establishing the park also provided a preference for the hiring of local Samoans both as employees and under any contract. The general management plan for the park is to be developed in cooperation with the Governor of American Samoa. It is also conceivable, under the legislation, that after fifty years, sole authority to administer the park could be turned over to the Governor of American Samoa from the Secretary.

There are other examples, but I think the time is long overdue for this philosophy to be realized at conservation units in Alaska. The Department of the Interior, in my view, has been dragging its feet and has failed to take advantage of the rich human resources present in the Alaska Native communities that lie in proximity to National Parks and Refuges. These units are remarkable and this Nation is not well served when the Secretary fails to take advantage of the local population.

In particular, the four northwest Alaska units of the National Park System would be a good place for the Secretary to begin complying with section 1307 and 1308 of ANILCA and start contracting with the local people for the management of these park units.

Bering Land Bridge National Preserve is a remnant of the land bridge that connected Asia with North America more than 13,000 years ago. The land bridge itself is now overlain by the Chukchi Sea and the Bering Sea. During the glacial epoch, this area was part of a migration route for people, animals, and plants whenever ocean levels fell enough to expose the land bridge. Scientists find it one of the most likely regions where prehistoric Asian hunters entered the New World.

Today Eskimos from neighboring villages pursue subsistence lifestyles and manage their reindeer herds in and around the preserve. Some 112 migratory bird species may be seen in the Preserve, along with occasional seals, walrus, and whales. Grizzly bears, fox, wolf, and moose also inhabit the Preserve. Other interesting features are rimless volcanoes called Maar craters, Serpentine Hot Springs, and seabird colonies at Sullivan Bluffs.

Cape Krusenstern National Monument is comprised of 659,807 acres of

land and water—a coastal plain dotted with sizable lagoons and backed by gently rolling, limestone hills. The Cape Krusenstern area has been designated an Archeological District in the National Register of Historic Places, and a National Historic Landmark. The core of the archeologic district is made up of approximately 114 marine beach ridges. These beach ridges, formed of gravel deposited by major storms and regular wind and wave action, record in horizontal succession the major cultural periods of the last 4,500 years. The prehistoric inhabitants of northwest Alaska occupied the cape seasonally to hunt marine mammals, especially seals. As new beach ridges were formed, camps were made on the ridges closest to the water. Thus, over centuries, a chronological horizontal stratigraphy was laid down in which the oldest cultural remains were found on the beach ridges farthest from the ocean. The discoveries made at Cape Krusenstern National Monument provided a definite, datable outline of cultural succession and development in northwest Alaska.

The park contains approximately 1,726,500 acres of federal lands and encompasses a nearly enclosed mountain basin in the middle section of the Kobuk River in the Northwest Alaska Areas. Trees approach their northern limit in the Kobuk Valley, where forest and tundra meet. Today's dry, cold climate of the Kobuk Valley still approximates that of late Pleistocene times, supporting a remnant flora once covering the vast Arctic steppe tundra bridging Alaska and Asia. Sand created by the grinding of glaciers has been carried to the Kobuk Valley by winds and water. The great Kobuk Sand Dunes—25 square miles of shifting dunes—is the largest active dune field in the arctic latitudes.

Native people have lived in the Kobuk Valley for at least 12,500 years. This human use is best recorded at the extensive archeological sites at Onion Portage. The Kobuk Valley remains an important area for traditional subsistence harvest of caribou, moose, bears, fish, waterfowl, and many edible and medicinal plants. The slow-moving, gentle Kobuk River is tremendous for fishing and canoeing or kayaking.

Noatak National Preserve lies in northwestern Alaska, in the western Brooks Range, and encompasses more than 250 miles of the Noatak River. The preserve protects the largest untouched mountain-ringed river basin in the United States. The river basin provides an outstanding resource for scientific research, environmental education, and subsistence and recreational opportunities.

Above the Arctic Circle, the Noatak River flows from glacial melt atop Mount Igikpak in the Brooks Range out to Kotzebue Sound. Along its 425-mile course, the river has carved out the Grand Canyon of the Noatak. The preserve is in a transition zone between the northern coniferous forests and tundra biomes. The river basin contains most types of arctic habitat, as well as one of the finest arrays of flora and fauna. Among the Preserve's large mammals are brown bears, moose, caribou, wolves, lynx, and Dall sheep. Birdlife also is plentiful in the area because of the migrations from Asia and the tip of South America. The Noatak River supports arctic char, whitefish, grayling, and salmon and is an important resource for fishing, canoeing, and kayaking.

Mr. President, these are the human and natural resources of Northwest Alaska. This legislation will direct the Secretary to finally bring the two together for the benefit of both Alaska Natives and the nation.●

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 2616. 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 Finance.

HEALTH SERVICES LEGISLATION

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished Chairman, Senator ROTH, and other colleagues in introducing a bill to improve the home health interim payment system.

Prior to the Balanced Budget Act of 1997 (BBA), home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. That payment system provided incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program. From 1989 to 1996, Medicare home health payments grew at an average annual rate of 33 percent, while the number of home health agencies increased from about 5,700 in 1989 to more than 10,000 in 1997.

In order to constrain the growth in costs and usage of home care, the BBA included provisions that would establish a Prospective Payment System (PPS) for home health care, a method of paying health care providers whereby rates are established in advance. An interim payment system (IPS) was also established while the Health Care Financing Administration works to develop the PPS for home health care agencies.

The home health care industry is dissatisfied with the IPS. The resulting concern expressed by many Members of Congress prompted us to ask the General Accounting Office (GAO) to examine the question of beneficiary access to home care. While the GAO found that neither agency closures nor the interim payment system significantly affected beneficiary access to care, I remain concerned that the potential closure of many more home health agencies might ultimately affect the care that beneficiaries receive, particularly beneficiaries with chronic illness.

The bill we are introducing today adjusts the interim payment system to achieve equity and fairness in payments to home health agencies. It would reduce extreme variations in payment limits applicable to old agencies within states and across states and would reduce artificial payment level differences between "old" and "new" agencies. The bill would provide all agencies a longer transition period in which to adjust to changed payment limits.

Clearly, since the bill may not address all the concerns raised by Medicare beneficiaries and by home health agencies, we should revisit this issue next year. A thorough review is needed to determine whether the funding mechanism for home health is sufficient, fair and appropriate, and whether the benefit is meeting the needs of Medicare beneficiaries.

America's home health agencies provide invaluable services that have given many Medicare beneficiaries the ability to stay home while receiving medical care. An adjustment to the interim payment system and delay in further payment reductions will enable home health agencies to survive the transition into the prospective payment system while continuing to provide essential care for beneficiaries.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 35, a bill to amend the Reclamation Reform Act of 1982 to clarify the acreage limitations and incorporate a means test for certain farm operations, and for other purposes.

S. 1459

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1459, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

S. 1557

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1557, a bill to end the use of steel jaw leghold traps on animals in the United States.

S. 1855

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1855, a bill to require the Occupational safety and Health Administration to

recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies.

S. 1868

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2024

At the request of Mr. ASHCROFT, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2024, a bill to increase the penalties for trafficking in methamphetamine in order to equalize those penalties with the penalties for trafficking in crack cocaine.

S. 2078

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2110

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2110, a bill to authorize the Federal programs to prevent violence against women, and for other purposes.

S. 2182

At the request of Mr. GORTON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2182, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt bond financing of certain electric facilities.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2213

At the request of Mr. FRIST, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2213, a bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act.

S. 2292

At the request of Ms. COLLINS, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 2292, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of insulin pumps as items of durable medical equipment.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) 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. 2412

At the request of Mr. BURNS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

S. 2494

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2494, a bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.rposes.

S. 2562

At the request of Mr. DODD, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2562, a bill to amend title XVIII of the Social Security Act to extend for 6 months the contracts of certain managed care organizations under the medicare program.

S. 2563

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2563, a bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986.

S. 2565

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2565, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such Act, and for other purposes.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SHELBY), the Senator from Tennessee (Mr. FRIST), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Joint Resolution 56, a 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.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. LAUTENBERG, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Concurrent Resolution 124, a concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property.

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. INHOFE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Concurrent Resolution 125, a concurrent resolution expressing the opposition of Congress to any deployment of United States ground forces in Kosovo, a province in southern Serbia, for peacemaking or peacekeeping purposes.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE CONCURRENT RESOLUTION 127—RECOGNIZING THE 50TH ANNIVERSARY OF THE NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES, AND FOR OTHER PURPOSES

Mr. DURBIN (for himself and Mr. MACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 127

Whereas November 1998 marks the 50th anniversary of the creation of the National

Microbiological Institute (referred to in this resolution as the "Institute") under authority of section 202 of the Public Health Service Act;

Whereas the Institute was formed through the combination of the Rocky Mountain Laboratory, the Biologics Control Laboratory, the Division of Infectious Diseases and the Division of Tropical Diseases of the National Institutes of Health;

Whereas in 1955 Congress renamed the Institute as the National Instituteof Allergy and Infectious Diseases (referred to in this resolution as "NIAID") under the authority of the Omnibus Medical Research Act, recognizing the need for a coordinated scientific research program on infectious, allergic and immunologic diseases;

Whereas the research portfolio of NIAID encompasses infectious diseases such as acquired immunodeficiency syndrome (AIDS), tuberculosis, sexually transmitted diseases, malaria and influenza, immunologic diseases including asthma, allergies and primary immune deficiency diseases, transplantation immunology, and development of new diagnostic therapies and vaccines forinfectious diseases;

Whereas research supported by NIAID continues to yield promising advances including the development of vaccines against the human immunodeficiency virus (HIV), and in the identification of effective treatment regimens for childhood asthma;

Whereas the continued threat of emerging and re-emerging infectious diseases, like tuberculosis, poses a risk to the health worldwide, NIAID-supported research provides the necessary tools to develop diagnostic tests, new and improved treatments, vaccines and other means to combat the microbial threats of today and those of the future;

Whereas NIAID-supported research is making significant progress in understanding the immune system and its disorders including the mechanisms of immune tolerance, which refers to the ability of the immune system to distinguish between cells and tissues that are "self" and those that are foreign or "non-self," such as a pathogen, tumor, ortransplanted organ;

Whereas such advances are vital to the field of organ transplantation and may prove useful in treating autoimmune diseases, such as rheumatoid arthritis and multiple sclerosis;

Whereas Congress intends that NIAID continue its innovative leadership in delineating pathogenesis, improving diagnosis and treatment, and developing vaccines to prevent infectious and immunologic diseases, thereby contributing to the overall health of the American public and the people of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) recognizes the historic significance of the 50th anniversary of theestablishment of the National Microbiological Institute and the creation ofthe Institute that became the National Institute of Allergy and Infectious Diseases;

(2) recognizes the research scientists, administrative staff, professional societies, and patient groups for their active participation in support of the research programs and goals of the NIAID; and

(3) reaffirms its support of the National Institute of Allergy and Infectious Diseases and its commitment to advance knowledge and improve health.

• Mr. DURBIN. Mr. President, I am pleased to submit a Senate Concurrent Resolution recognizing and honoring the 50th anniversary of the National Institute of Allergy and Infectious Diseases. An identical resolution is being introduced in the House by my distinguished colleague, Representative NORTHUP.

As you know I am an ardent supporter of biomedical research and the National Institutes of Health. In this century, great strides have been made in the control of such killer infectious diseases such as polio, rubella, measles, cholera, typhoid fever, and diphtheria. Small pox has been eradicated. We continue to benefit from the development of new drugs and vaccines that contribute enormously to the betterment of the public health.

At the forefront of these advances stands the National Institute of Allergy and Infectious Diseases. NIAID began as the National Microbiological Institute, formed through the union of the Rocky Mountain Laboratory, the Biologics Control Laboratory, the Division of Infectious Diseases, and the Division of Tropical Disease of the NIH. In 1955, Congress renamed the Institute as the National Institute of Allergy and Infectious Diseases, recognizing the need for a coordinated scientific research program on infectious, allergic, and immunologic diseases.

Research supported by the Institute has led to important advances, including: the development of vaccines against infectious diseases such as meningitis, hepatitis A, whopping cough and the rotavirus diarrhea; new treatments to fight against the human immunodeficiency virus (HIV); and novel interventions to treat childhood asthma.

However, despite significant progress, infectious diseases remain the world's leading cause of death, and the third leading cause of death in the United States, and immune-mediated diseases continue to exact a considerable toll. NIAID-supported research will continue to provide the necessary tools to develop diagnostic tests, new and improved treatments, vaccines, and other means to combat the microbial threats of today and those of the future, and to address diseases of the immune system.

I am submitting this resolution today to demonstrate the support of the United States Senate for the NIAID, the NIH and all of the dedicated professionals who have devoted their lives to improving the quality of the nation's health.•

SENATE CONCURRENT RESOLUTION 128—EXPRESSING THE SENSE OF CONGRESS REGARDING MEASURES TO ACHIEVE A PEACEFUL RESOLUTION OF THE CONFLICT IN THE STATE OF CHIAPAS, MEXICO

Mr. LEAHY (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. KERRY, Mrs. MURRAY, Mr. DURBIN, Mr. BINGAMAN, Mr. FEINGOLD, Mr. HARKIN, Mr. BUMPERS, Mr. WELLSTONE, Mr. JEFFORDS, Mrs. BOXER, Mr. KENNEDY, Mr. WYDEN, and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 128

Whereas the United States and Mexico have a long history of close relations and share many economic and security interests;

Whereas the democratic and prosperous Mexico is in the interest of the United States;

Whereas the United States is providing assistance and licensing exports of military equipment to Mexican security forces for counter-narcotics purposes;

Whereas the Department of State has documented human rights violations by Mexican security forces and paramilitary groups;

Whereas the conflict in Chiapas, Mexico has resulted in the deaths and disappearance of innocent civilians;

Whereas the lack of progress in implementing a preliminary peace agreement signed in 1996 and the presence of tens of thousands of Mexican soldiers, as well as paramilitary and other groups, have contributed to increased political tension and violence in Chiapas and the absence of basic human rights protections;

Whereas the persistence of political tension and violence has exacerbated the impoverished conditions of indigenous people in Chiapas;

Whereas thousands of indigenous people in Chiapas have fled their homes as a result of the violence and are living in deplorable conditions;

Whereas despite President Zedillo's calls for negotiations and repeated visits to chiapas, efforts to negotiate a peaceful resolution of the conflict have been unsuccessful and the National Mediation Commission was dissolved after the resignation of its President, Bishop Samuel Ruiz, due to the lack of progress in the peace process; and

Whereas the summary expulsions of United States citizens and human rights monitors from Mexico raise concerns about the commitment of the Government of Mexico to freedom of movement, association and expression. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State should—

(1) take effective measures to ensure that United States assistance and exports of equipment to Mexican security forces—

(A) are used primarily for counter-narcotics purposes; and

(B) do not contribute to human rights violations;

(2) encourage the Government of Mexico to reduce political tension and violence in Chiapas by disarming paramilitary groups and decreasing its military presence there;

(3) commend the Government of Mexico for inviting the United Nations High Commissioner for Human Rights to visit Mexico to discuss the Chiapas conflict;

(4) encourage the Government of Mexico and the Zapatista National Liberation Army to take steps to create conditions for good faith negotiations that address the social, economic and political causes of the conflict to achieve a peaceful and lasting resolution of the conflict, and to vigorously pursue such negotiations;

(5) support efforts to provide relief assistance to displaced persons in Chiapas and adequate monitoring of such assistance; and

(6) seek a commitment from the Government of Mexico to respect the rights of United States citizens and human rights monitors in Mexico in accordance with Mexican law and international law.

Mr. LEAHY. Mr. President, I am today submitting a Concurrent Resolution expressing the sense of Congress regarding measures to achieve a peaceful resolution of the conflict in the state of Chiapas, Mexico.

This resolution is cosponsored by Senator DODD, who is the ranking member of the Western Hemisphere subcommittee and among the most knowledgeable Members of Congress on Mexican affairs, Senator FEINSTEIN, Senator BINGAMAN, Senator JEFFORDS, Senator FEINGOLD, Senator KERRY of Massachusetts, Senator WELLSTONE, Senator BUMPERS, Senator BOXER, Senator KENNEDY, Senator DURBIN, Senator MURRAY, Senator WYDEN, Senator HARKIN, and Senator MIKULSKI.

Congresswoman NANCY PELOSI is today introducing an identical resolution in the House of Representatives.

Mr. President, the purpose of this resolution is to convey our support for a peaceful resolution of the conflict in Chiapas that has been simmering since the Zapatista uprising in 1994. Since then, and despite attempts at negotiations, the situation remains explosive. Scores of innocent people, mostly impoverished Indians, have been killed. Thousands have fled their homes and are living in squalid conditions, made unbearable by the recent flooding.

This resolution does not attempt to take sides or to dictate an outcome. The situation in Chiapas is a complex one that has social, ethnic, economic and political dimensions. It is a manifestation of years of Mexican history. It is for the Mexican people to resolve.

But despite its complexities, there is no doubt that the indigenous people of Chiapas have been the victims of centuries of injustice. Most do not own any land and they live—as their parents and grandparents did—in abject poverty. The Zapatista uprising was a reflection of that injustice and despair, and the political tension and violence of recent years has only exacerbated their plight.

To his credit, President Zedillo has called for a resumption of negotiations and has visited Chiapas several times. Recently, his government invited Mary Robinson, the U.N. High Commissioner for Human Rights, to visit Mexico to discuss the Chiapas situation. I welcome that. But there remains a deep distrust between the two sides, and no sign that the government's strategy is working. This resolution calls on our Secretary of State to encourage the Mexican Government and the Zapatistas to support negotiations that address the underlying causes of the conflict, to achieve lasting peace.

Mr. President, this resolution is not meant to embarrass or interfere. It is to convey our concern about the people of Chiapas, and the urgent need for concrete progress to resolve a conflict that has cost many innocent lives and which threatens the economic and political development of our southern neighbor.

Many Senators may not know the history of the Chiapas conflict. After the 1994 uprising, the Zapatistas and the government tried to resolve the conflict peacefully. Those negotiations collapsed in 1996 when the Mexican Government walked away from a partial agreement which would have given the inhabitants of Chiapas greater rights.

Since then the situation has gotten worse. Last December, Mexican paramilitary forces killed 45 unarmed civilians in the village of Acteal. In June, two police officers and eight villagers died when Mexican soldiers and police clashed with Zapatista supporters. There are now tens of thousands of Mexican soldiers who patrol the roads in and out of Chiapas in armored vehicles. They patrol the skies in low flying helicopters. They surround the impoverished communities of Zapatista supporters, who, not surprisingly, see the government as their enemy. On top of that, there are armed paramilitary groups who have been responsible for some of the worst atrocities.

The dissolution of the National Mediation Commission after the resignation of its President, Bishop Samuel Ruiz, has further impeded efforts to resolve the conflict peacefully.

I regularly receive reports of violence or harassment directed against human rights monitors, including American citizens, who have been summarily expelled from Mexico for activities that amount to nothing more than criticizing the policies of the Mexican Government.

One case I have followed closely involves an American priest who lived in Chiapas for some 19 years. He was arrested, driven to the airport, accused of engaging in illegal political activity on the basis of anonymous, unsubstantiated allegations, and summarily expelled. Efforts by myself, the American Ambassador, and the Department of State to correct this injustice have been entirely unsuccessful. The Mexican Government has consistently misrepresented the facts in his case.

Despite President Zedillo's repeated calls for renewed dialogue with the Zapatistas and their supporters, and despite the fact that the Zapatistas do not pose a credible threat to the Mexican Government, the Mexican Government's actions have not improved the situation. The government seems to believe that it can solve the problem by simultaneously threatening and holding out promises to Zapatista supporters, even though they live in the same miserable conditions as their parents, their parents' parents, and their grandparents' grandparents, and they deeply distrust the government.

Mr. President, the United States and Mexico share many interests. We have worked together to address concerns on both sides of the border. I have no doubt that the government and the Zapatistas can solve this problem, if they want to. But we must also recognize that violence and instability in Mexico directly affect United States economic and security interests, and human rights abuses, wherever and however they occur, deserve our attention.

This Resolution reflects a balanced approach. Neither side in the conflict is blameless. To resolve it peacefully, both must want peace and be willing to take steps to create the conditions that make it possible for good faith negotiations to succeed, and then sit down at the table together.

The Resolution urges the Secretary of State to ensure that the United States is not contributing to the political violence, by reaffirming current law which limits assistance and exports of equipment only to Mexican security forces who are primarily involved in counter-narcotics activities and who do not commit human rights abuses.

It calls on the Mexican Government to respect the rights of American citizens and human rights monitors in Mexico.

Mr. President, some may ask why we are submitting this Resolution today, when this conflict has been simmering for years. One reason is that after all this time the problem is no closer to being solved. It has gotten worse, not better. The recent flooding has caused an urgent, humanitarian crisis among displaced people in Chiapas who are struggling to survive. And last week's elections showed, not surprisingly, that fully half the people in Chiapas have no faith in the political process.

In short, the status quo is unacceptable. The violence is unacceptable. The lack of any meaningful peace process is unacceptable. There is no reason why so many civilians have died. There is no reason why the causes of the conflict cannot be openly discussed and effectively addressed.

This Resolution sends a message to the Mexican Government, the Zapatistas, our own administration and the international community that an intensified effort is needed urgently to resolve the conflict peacefully.

Mr. President, I want to thank the other Senators who have cosponsored this resolution

SENATE RESOLUTION 294—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO DEVELOPMENTS IN MALAYSIA AND THE ARREST OF DATO SERI ANWAR IBRAHIM

Mr. THOMAS (for himself, Mr. KERRY, Mr. SMITH of Oregon, Mr. LIEBERMAN, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 294

Whereas on September 2, 1998, Malaysia's Prime Minister Mahathir Mohamad dismissed Deputy Prim Minister Dato Seri Anwar Ibrahim;

Whereas over the past year, Dato Seri Anwar has advocated adopting meaningful economic structural reforms to combat an increasingly deteriorating economy—a view which runs counter to those of Dr. Mahathir;

Whereas after being dismissed, Dato Seri Anwar began touring the country and publicly criticizing Dr. Mahathir and the policies of the ruling United Malays Organization Baru (UMNO) party;

Whereas in apparent reaction to this criticism Dato Seri Anwar was arrested on September 20, 1998, and held under the provisions of the Malaysian Internal Security Act (ISA);

Whereas the ISA removes arrested individuals from the protections afforded criminal defendants under Malaysia's constitution and statutes, and consequently Dato Seri Anwar was held in an undisclosed location without any formal charges being lodged against him;

Whereas on September 29, 1998, Dato Seri Anwar was formally charged with nine counts of corruption and sexual misconduct, including four sodomy counts, to which another count was later added;

Whereas the vague nature of the charges, as well as the fact that two of the government's "witnesses" have already recanted, could reasonably lead to a conclusion that the charges were manufactured by the government for maximum shock value to discredit Dato Seri Anwar and silence him;

Whereas when Dato Seri Anwar appeared at his arraignment, he had been beaten by police while in custody; and told the judge that on his first night of detention, while handcuffed and blindfolded, that he was "boxed very hard on my head and lower jaw and left eye . . . I was then slapped very hard, left and right, until blood came out from my nose and my lips cracked. Because of this I could not walk or see properly";

Whereas to substantiate his claims, Dato Seri Anwar showed the court a large bruise on his arm; his swollen black eye was evident to everyone in the courtroom;

Whereas Dr. Mahathir suggested that Dato Seri Anwar inflicted the injuries to himself in order to gain public sympathy;

Whereas since its independence Malaysia has been transformed from a divided multiracial developing nation into a modern, cosmopolitan, economically sophisticated country; and

Whereas the government's actions in case of Dato Seri Anwar seriously damage the reputation of Malaysia in the eyes of the rest of the world; Now therefore be it

Resolved by the Senate, That it is the sense of the Senate that—

(1) the Malaysian government should take every step to safeguard the rights of Dato Seri Anwar, ensure that any charges brought against him are not spurious, afford him a fair and open trial, and fully investigate and prosecute those responsible for his mistreatment while in detention; and that

(2) all Malaysians should be permitted to express their political views in a peaceful and orderly fashion without fear of arrest or intimidation.

SENATE RESOLUTION 295—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE DEVELOPMENT OF EFFECTIVE METHODS FOR ELIMINATING THE USE OF HEROIN

Mr. COATS (for himself, Mr. MCCAIN, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 295

Whereas heroin use in the United States continues to increase;

Whereas drug use among teenagers in the United States is increasing and the number of teenagers that are using heroin for the first time is higher than any other number previously determined;

Whereas between 1992 and 1996, heroin use among college-age students increased an estimated 10 percent;

Whereas an estimated 810,000 chronic heroin addicts live in the United States;

Whereas an estimated 115,000 heroin addicts in the United States are currently participating in methadone programs;

Whereas methadone is a synthetic opiate and the use of methadone in treatment for heroin addiction results in the transfer of addiction from one drug to another drug;

Whereas heroin addicts and methadone addicts are unable to function as self-sufficient, productive members of society;

Whereas methadone addicts who attempt to become drug free experience the same difficult withdrawal process as that experienced by heroin addicts;

Whereas the Clinton Administration, through the Office of National Drug Control Policy, is directing the drug policy of the United States toward the wrong goals by announcing a new heroin policy;

Whereas that heroin policy would double the number of heroin addicts transferred to methadone addiction, loosen controls with respect to the licensing of methadone dispensers, and promote methadone addiction as the principal means of ending heroin addiction;

Whereas no official responsible for that policy has consulted with Congress concerning that policy and the Clinton Administration lacks sufficient statutory and budgetary authority to carry out that policy; and

Whereas in promoting methadone addiction as the preferred treatment for heroin addiction, the Clinton Administration has abandoned heroin addicts to a lifetime of Government-sponsored drug dependency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Federal Government should adopt a zero-tolerance drug-free policy that has as its principal objective the elimination of drug abuse and addiction, including both methadone and heroin;

(2) Congress should conduct a thorough examination of the national drug control policy of the United States to determine the reasons for the failure of methadone and methadone maintenance programs to eliminate heroin addiction;

(3) Congress should carefully examine alternative approaches to curing heroin addiction, and focus on treatments that eliminate dependence on, or addiction to, any substance or drug; and

(4) Congress should work with the Clinton Administration to develop an effective drug control policy that—

(A) includes a clear and comprehensive strategy to provide for a transition to a zero-tolerance, drug-free program that is based on detoxification and the comprehensive treatment of the pathology of drug addiction;

(B) addresses other human needs that contribute to recidivism among recovering heroin addicts; and

(C) provides opportunities for former addicts to become self-sufficient, productive members of society.

Mr. MCCAIN. Mr. President, I am here today with my colleagues, Senator COATS and Senator COVERDELL, to submit a resolution providing much needed direction to our nation's battle against heroin addiction.

Drug abuse continues to plague our society, destroying families, futures and opportunities for millions of Americans each year. Addiction to drugs, particularly devastating drugs like heroin, endangers the well-being of all citizens, particularly our children, and thus the future of this nation.

Recent statistics show dramatic increases in drug use among children and pain a chilling image of the obstacles facing our nation before we can claim victory in the battle against drugs. In a 1997 study, almost 12 percent of children between the ages of 12 and 17 report using an illicit drug in the preceding 30 days. The number of children using heroin for the first time is at its highest level in 30 years, and today there are over 810,000 heroin addicts in our country.

Clearly, we are still quite far from winning the war drugs.

This is why I am concerned and, honestly, frustrated by the policies which are being promoted by the Office of National Drug Control Policy (ONDCP) to combat heroin addiction. Under the direction of General McCaffrey, the ONDCP and the Administration have announced their decision to spend $3.7 billion to double the number of heroin addicts in methadone maintenance programs, which ONDCP has unilaterally chosen as the preferred treatment for heroin addicts.

Mr. President, I have serious concerns about this recently announced policy.

First, methadone treatment programs simply transfer addiction from one drug, heroin, to another drug, methadone. Methadone treatment merely transfers dependency. It does nothing to provide addicts with the training and support necessary to function as self-sufficient, productive members of society. Methadone maintenance programs alone force individuals into a life of government-sponsored drug dependency.

Second, ONDCP did not consult with Congress about this significant and expensive policy decision. The simple fact is that ONDCP has neither the statutory nor budget authority to implement this policy without Congressional approval. And it is not clear that spending nearly $4 billion on expanded methadone maintenance programs is a wise or effective use of the resources available to combat drug abuse and addiction in this country.

Mr. President, eradicating heroin use is a difficult issue which must be addressed with careful deliberation, extensive dialogue and a thorough examination. Our policies and programs must be designed to free heroin addicts from their addition, not hook them on another government-condoned drug.

The resolution we are submitting today calls on Congress to focus on developing effective policies and program for ending heroin addiction. We should be looking at all alternatives to methadone treatment, especially those that do not involve transferring addiction or dependence on substances. We should also include programs to provide training and support to former addicts to help them become productive members of our society. And we should be working to develop drug strategies that will further our goal of a drug-free America.

Let me take a moment to thank my dear friend, DAN COATS, for his work in putting together this resolution. His thoughtful and caring devotion to improving the lives of children and the less fortunate in our society will be sorely missed.

Mr. President, I realize that time is short in this Congress, but I strongly believe that eliminating drug abuse and addiction in America should be a high priority for the Administration and Congress. I urge my colleagues to give careful consideration to this issue and join in working toward that goal in the 106th Congress.

Mr. COVERDELL. Mr. President, today I join Senator COATS and Senator MCCAIN in submitting a Senate Resolution renouncing the recent proposal by the Administration to expand methadone maintenance programs. Methadone is a so-called "treatment" for heroin addiction. Heroin is a highly addictive opiate which leads its users down a path of crime and self-destruction, and the prescription of methadone is simply a means to sustain addiction. My colleagues and I do realize the need for help, but do not believe the answer is exchanging one addiction for another.

The Administration has failed to consult Congress of its plan to increase the number of methadone maintenance programs and to loosen regulations of licensed methadone dispensers. We frown upon the idea of paying for drug addiction. Our Resolution states the need for Congressional hearings in order to compare the Administration's proposal with alternative drug-free treatment programs.

Alternatives such as the Ready, Willing and Able program have been extremely successful in helping Americans who are addicted to drugs, homeless, or in many cases, both. This program is based on community. It provides wages earned from community based jobs in exchange for room, board and positive reinforcement in a drug-free environment. I believe comprehensive treatment programs such as this are a positive step in our war against drugs.

America will have achieved nothing in the fight against drugs if we keep funding programs that allow us to look the other way without looking at the facts. We need to hear from those who are methadone users, those who are previous methadone users, and those who administer methadone. We need to look at statistics, look at current funding, and look at current problems within the programs. I don't believe we have solved anyone's drug addiction if we can still call them an addict. Methadone users are addicts and they face the same withdrawals as those on heroin. Let's find solutions to our Nation's drug problems, not follow the Administration's example, which further feeds and funds drug addiction.

SENATE RESOLUTION 296—EXPRESSING THE SENATE REGARDING THE COMPLETION OF CONSTRUCTION OF A WWII MEMORIAL

MR. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 296

Whereas World War II is the defining event of the 20th century;

Whereas in World War II, over 16,000,000 American men and women served the Nation, of which nearly 300,000 were killed and over 670,000 were wounded;

Whereas in Public Law 103-422 (108 Stat. 4356), Congress approved the location of a memorial to this epic event in Area I of the District of Columbia and its environs, as described in the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.); and

Whereas Congress has traditionally provided funding for the memorials commemorating President Thomas Jefferson and President Abraham Lincoln, the monument to President George Washington, and the Korean War Veterans Memorial: Now, therefore, be it

Resolved,

SECTION 1. FUNDING OF A WORLD WAR II MEMORIAL.

It is the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, as described in that Act, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

Mr. KERREY. Mr. President, I have a very simple proposition for the Senate. Let's close an accidental tax loophole for the heirs of people who leave estates worth more than $17 million and use the savings to help self-employed Americans—like the thousands of entrepreneurs on Nebraska's farms and ranches—afford the soaring cost of health care.

Today I am submitting legislation to accomplish that purpose.

The facts are very simple. Prior to 1997, when we passed the 1997 Balanced Budget Agreement, the first $600,000 of an estate was excluded from taxes. The old law gradually phased out this exclusion once an estate reached $17 million. The 1997 Act increases the value of an estate not subject to taxes. But a drafting error in the 1997 Balanced Budget Agreement failed to include the accompanying phase out of the exclusion on estates over $17 million.

Clearly this error needs to be fixed. Letting this mistake stand uncorrected will cost the American taxpayers nearly $900 million over the next ten years. To give you an idea of how much this provision does to benefit the few, consider that in 1995, the Internal Revenue Service estimates that just 300 tax returns were filed on estates over $20 million.

Congress had the opportunity to correct this error during consideration of the IRS Reform bill this year. Regrettably, the objections of a few to making this right overcame the support of the many for doing so.

Meanwhile, Mr. President, self-employed Americans are struggling to cope with the rising cost of health insurance, which they—unlike Americans employed by others—cannot fully deduct from their taxable income. The face of their struggle is most evident on farms and ranches. In Nebraska, producers are facing plunging commodity prices at the same time they face soaring costs of living, especially for health insurance. Today they can deduct 40 percent of the cost of their insurance. Under current law, they cannot fully deduct that cost until 2007.

So, my proposal is simple. Let's close the loophole that everyone admits was an accident, and use that money to accelerate the full deductibility of health insurance for the self-employed. It's a clear choice between a loophole that nobody wanted to exist and entrepreneurs who—especially those on our farms and ranches—may not exist much longer if we don't get them some help.

While I recognize time is short for passing this bill this year, I urge my colleagues to join me in supporting this legislation and in pursuing this goal next year.

SENATE RESOLUTIONS 297—AUTHORIZING TESTIMONY AND REPRESENTATION OF FORMER AND CURRENT SENATE EMPLOYEES AND REPRESENTATION OF A SENATOR

Mr. LOTT (for himself and Mr. DASCHLE) submitting the following resolution; which was considered and agreed to:

S. RES. 297

Whereas, in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*, Case No. CV 94-0413-S-LMB, pending in the United States District Court for the District of Idaho, testimony has been requested from Elizabeth Criner, a former employee of Senator LARRY CRAIG;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as well promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Elizabeth Criner, and any other former or current Senate employee from whom testimony may be required, are authorized to testify in the case of *Student Loan Funding of Idaho, Inc.* v. *Riley, et al.*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Senator LARRY CRAIG, Elizabeth Criner, and any other Member or employee of the Senate in connection with the testimony authorized in section one of this resolution.

SENATE RESOLUTION 298—CONDEMNING THE TERROR, VENGEANCE, AND HUMAN RIGHTS ABUSES AGAINST THE CIVILIAN POPULATION OF SIERRA LEONE

Mr. ABRAHAM submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 298

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC and RUF violence against civilians continues with at least 1,200 persons having hands or feet amputated by rebels;

Whereas the International Committee of the Red Cross estimates that only 1 in 4 victims of mutilation actually makes it to medical help;

Whereas the AFRC and RUF continue to abduct children and forcibly train them as combatants;

Whereas UNICEF estimates the number of children forcibly abducted since March 1998 exceeds 3,000;

Whereas the consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of over 250,000 displaced Sierra Leoneans in camps and towns in the north and east;

Whereas the Governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees for $7,300,000 for emergency food, shelter, and sanitation, and medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north where more than 500 people have died since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States and its peacekeeping arm, the Economic Community of West African States Military Observer Group (ECOMOG), are doing their best, but are still lacking in the logistic support needed to either bring this AFRC and RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC and RUF in direct violation of a United Nations arms embargo;

Whereas the United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator, Amnesty International, Human Rights Watch, and Refugees International, following visits to Sierra Leone in May and June 1998, condemned, in the strongest terms, the terrible human rights violations done to civilians by the AFRC and RUF rebels; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects for the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) urges the Department of State to give the needed logistical support to ECOMOG and the Government of Sierra Leone to bring this conflict to a rapid conclusion;

(3) condemns the use of children as combatants in the conflict in Sierra Leone;

(4) urges the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(5) urges the President and the Secretary of State to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front;

(6) urges the President and the Secretary of State to work with the Economic Community of West African States to ensure there are sufficient African forces and arms provided to its peacekeeping arm, ECOMOG;

(7) urges the President and the Secretary of State to support the United Nations High Commission for Refugees appeal for aid to the Sierra Leonean refugees in Guinea, Liberia, and other countries;

(8) urges the President and the Secretary of State to support the United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country;

(9) urges the President and the Secretary of State to support the Government of Sierra Leone in its demobilization, disarmament, and reconstruction plan for the country as peace becomes a reality; and

(10) encourages and supports the United Nations Special Representative of the Secretary General for Children and Armed Conflict, to continue in the efforts to work in Sierra Leone to establish programs designed to rehabilitate child combatants.

AMENDMENTS SUBMITTED

UNITED STATES ROUTE 66

CHAFEE (AND OTHERS) AMENDMENT NO. 3800

Mr. LOTT (for Mr. CHAFEE for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. WARNER) proposed an amendment to the bill (S. 2133) to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance; as follows:

On page 6, strike lines 12 through 18 and insert the following:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

On page 6, lines 22 and 23, strike "cultural resources related to Route 66" and insert "preservation of the Route 66 corridor".

On page 7, strike lines 1 through 9 and insert the following:

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the

study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

On page 7, line 15, strike "Route 66" and insert "the Route 66 corridor".

On page 7, strike lines 16 through 18.

On page 7, line 19, strike "**sec. 3.**" and insert "**sec. 2.**".

On page 7, lines 23 and 24, strike "preservation of Route 66" and insert "preservation of the Route 66 corridor".

On page 8, line 9, strike "to preserve Route 66" and insert "for the preservation of the Route 66 corridor".

On page 8, line 15, strike "historic" and insert "Historic".

On page 8, line 16, strike "preservation of Route 66;" and insert "preservation of the Route 66 corridor;".

On page 9, strike lines 1 through 11.

On page 9, line 12, strike "(2)" and insert "(1)".

On page 9, line 15, strike "(3)" and insert "(2)".

On page 9, line 16, strike "(4)" and insert "(3)".

On page 9, line 17, strike "(5)" and insert "(4)".

On page 9, line 19, strike "(6)" and insert "(5)".

On page 9, strike lines 20 through 22.

On page 9, line 23, strike "(f)" and insert "(e)".

On page 9, line 25, strike "preservation of Route 66" and insert "preservation of the Route 66 corridor".

On page 10, line 2, strike "highway" and insert "Route 66 corridor".

On page 10, line 5, strike "Route 66" and insert "the Route 66 corridor".

On page 10, line 11, strike "Route 66" and insert "the Route 66 corridor".

On page 10, line 12, strike "**sec. 4.**" and insert "**sec. 3.**".

On page 10, line 16, strike "Route 66" and insert "the Route 66 corridor".

On page 11, strike lines 1 and 2 and insert the following:

needs for preservation of the Route 66 corridor.

On page 11, line 7, strike "histories of Route 66" and insert "histories of events that occurred along the Route 66 corridor".

On page 11, line 14, strike "Route 66" and insert "the Route 66 corridor".

On page 11, line 18, strike "**sec. 5.**" and insert "**sec. 4.**".

Amend the title so as to read: "A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.".

VALLEY FORGE NATIONAL HISTORICAL PARK

MURKOWSKI AMENDMENT NO. 3801

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2401) to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION OF THE PAOLI BATTLEFIELD SITE TO THE VALLEY FORGE NATIONAL HISTORICAL PARK.

Section 2(a) of Public Law 94-337 (16 U.S.C. 410aa-1(a)) is amended in the first sentence by striking "which shall" and inserting "and the area known as the 'Paoli Battlefield', located in the borough of Malvern, Pennsylvania, described as the "Proposed Addition to Paoli Battlefield" on the map numbered 71572 and dated 2-17-98, (referred to in this Act as the 'Paoli Battlefield') which map shall".

SEC. 2. COOPERATIVE MANAGEMENT OF PAOLI BATTLEFIELD.

Section 3 of Public Law 94-337 (16 U.S.C. 410aa-2), is amended by adding at the end the following: "The Secretary may enter into a cooperative agreement with the borough of Malvern, Pennsylvania for the management by the borough of the Paoli Battlefield.".

SEC. 3. ACQUISITION OF LAND FOR PAOLI BATTLEFIELD.

Section 4(a) of Public Law 94-337 (16 U.S.C. 410aa-3) is amended by striking "not more than $13,895,000 for the acquisition of lands and interests in lands" and inserting "not more than—

"(1) $13,895,000 for the acquisition of land and interests in land; and

"(2) if non-Federal funds in the amount of not less than $1,000,000 are available for the acquisition and donation to the National Park Service of land and interests in land within the Paoli Battlefield, $2,500,000 for the acquisition of land interests in land within the Paoli Battlefield".

OREGON PUBLIC LAND TRANSFER AND PROTECTION ACT OF 1998

WYDEN (AND SMITH) AMENDMENT NO. 3802

Mr. LOTT (for Mr. WYDEN for himself and Mr. SMITH of Oregon) proposed an amendment to the bill (S. 2513) to transfer administrative jurisdiction over certain Federal land located within or adjacent Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; as follows:

On page 2, before line 3, insert the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

Sec. 301. Conveyance to Deschutes County, Oregon.

On page 2, strike lines 11 through 13 and insert the following:

depicted on the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half" and dated April 28, 1998, consisting of approximately

On page 3, strike lines 13 through 16 and insert the following:

(1) LAND TRANSFER.—The Federal land depicted on the maps described in subsection (a)(1), consisting of approximately 1,632

On page 4, strike lines 9 through 11 and insert the following:

Federal land depicted on the maps described in subsection (a)(1), consisting of

On page 5, strike lines 9 through 11 and insert the following:

maps described in subsection (a)(1), consisting of approximately 960 acres within

On page 6, strike lines 15 and 16 and insert the following:

on the map entitled "BLM/Rogue River NF Boundary Adjustment, North Half" and dated April 28, 1998, and the map entitled "BLM/Rogue River NF Boundary Adjustment, South Half" and dated April 28, 1998.

On page 10, after line 3, add the following:

TITLE III—CONVEYANCE TO DESCHUTES COUNTY, OREGON

SEC. 301. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County, Oregon, by—

(1) providing land for private residential development to compensate for development prohibitions on private land currently zoned for residential development the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing the County to provide land for community amenities and services such as open space, parks, roads, and other public spaces and uses to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary") may make available for sale at fair market value to Deschutes County, Oregon, the land in Deschutes County, Oregon (referred to in this section as the "County"), comprising approximately 544 acres and lying in Township 22, S., Range 10 E. Willamette Meridian, described as follows:

(A) Sec. 1:

(i) Government Lot 3, the portion west of Highway 97;

(ii) Government Lot 4;

(iii) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(B) Sec. 2:

(i) Government Lot 1;

(ii) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(C) Sec. 11:

(i) Government Lot 10;

(ii) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(2) SUITABILITY FOR SALE.—The Secretary shall convey the land under paragraph (1) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(c) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of Range Nine East in the State of Oregon that is consistent with the goals and

objectives of the land use planning process of the Bureau of Land Management.

WATER RESOURCES DEVELOPMENT ACT OF 1998

CHAFEE AMENDMENT NO. 3803

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 2131) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

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 "Water Resources Development Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WATER RESOURCES DEVELOPMENT

Sec. 101. Definition.
Sec. 102. Project authorizations.
Sec. 103. Project modifications.
Sec. 104. Project deauthorizations.
Sec. 105. Studies.
Sec. 106. Flood hazard mitigation and riverine ecosystem restoration program.
Sec. 107. Shore protection.
Sec. 108. Small flood control authority.
Sec. 109. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 110. Everglades and south Florida ecosystem restoration.
Sec. 111. Aquatic ecosystem restoration.
Sec. 112. Beneficial uses of dredged material.
Sec. 113. Voluntary contributions by States and political subdivisions.
Sec. 114. Recreation user fees.
Sec. 115. Water resources development studies for the Pacific region.
Sec. 116. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 117. Outer Continental Shelf.
Sec. 118. Environmental dredging.
Sec. 119. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 120. Control of aquatic plant growth.
Sec. 121. Environmental infrastructure.
Sec. 122. Watershed management, restoration, and development.
Sec. 123. Lakes program.
Sec. 124. Dredging of salt ponds in the State of Rhode Island.
Sec. 125. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 126. Small flood control projects.
Sec. 127. Small navigation projects.
Sec. 128. Streambank protection projects.
Sec. 129. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 130. Guilford and New Haven, Connecticut.
Sec. 131. Francis Bland Floodway Ditch.
Sec. 132. Caloosahatchee River basin, Florida.
Sec. 133. Cumberland, Maryland, flood project mitigation.
Sec. 134. Sediments decontamination policy.
Sec. 135. City of Miami Beach, Florida.
Sec. 136. Small storm damage reduction projects.
Sec. 137. Sardis Reservoir, Oklahoma.
Sec. 138. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 139. Disposal of dredged material on beaches.
Sec. 140. Fish and wildlife mitigation.
Sec. 141. Upper Mississippi River management.
Sec. 142. Reimbursement of non-Federal interest.
Sec. 143. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 144. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 145. Shore damage prevention or mitigation.
Sec. 146. Larkspur Ferry Channel, California.
Sec. 147. Comprehensive Flood Impact-Response Modeling System.
Sec. 148. Study regarding innovative financing for small and medium-sized ports.
Sec. 149. Candy Lake project, Osage County, Oklahoma.
Sec. 150. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 151. Eyak River, Cordova, Alaska.
Sec. 152. North Padre Island storm damage reduction and environmental restoration project.
Sec. 153. Kanopolis Lake, Kansas.
Sec. 154. New York City watershed.
Sec. 155. City of Charlevoix reimbursement, Michigan.
Sec. 156. Hamilton Dam flood control project, Michigan.
Sec. 157. National Contaminated Sediment Task Force.
Sec. 158. Great Lakes basin program.
Sec. 159. Projects for improvement of the environment.
Sec. 160. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 161. Irrigation diversion protection and fisheries enhancement assistance.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Sec. 201. Definitions.
Sec. 202. Terrestrial wildlife habitat restoration.
Sec. 203. South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.
Sec. 204. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.
Sec. 205. Transfer of Federal land to State of South Dakota.
Sec. 206. Transfer of Corps of Engineers land for Indian Tribes.
Sec. 207. Administration.
Sec. 208. Authorization of appropriations.

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 101. DEFINITION.

In this title, the term "Secretary" means the Secretary of the Army.

SEC. 102. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers, dated August 20, 1998, at a total cost of $85,900,000, with an estimated Federal cost of $54,980,000 and an estimated non-Federal cost of $30,920,000.

(2) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $464,600,000, with an estimated Federal cost of $302,000,000 and an estimated non-Federal cost of $162,600,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(3) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in

section 4 of that Act (16 U.S.C. 1004) at a total cost of $34,300,000, with an estimated Federal cost of $16,600,000 and an estimated non-Federal share of $17,700,000.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The Secretary may construct the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 18, 1998, at a total cost of $132,836,000, with an estimated Federal cost of $42,869,000 and an estimated non-Federal cost of $89,967,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $8,871,000, with an estimated Federal cost of $5,593,000 and an estimated non-Federal cost of $3,278,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $651,000, with an estimated annual Federal cost of $410,000 and an estimated annual non-Federal cost of $241,000.

(6) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the United States Army Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(7) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(8) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(9) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $110,045,000, with an estimated Federal cost of $71,343,000 and an estimated non-Federal cost of $38,702,000.

(10) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $27,692,000, with an estimated Federal cost of $18,510,000 and an estimated non-Federal cost of $9,182,000.

(11) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,720,000, with an estimated Federal cost of $5,567,000 and an estimated non-Federal cost of $3,153,000.

(12) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $27,300,000, with an estimated Federal cost of $17,745,000 and an estimated non-Federal cost of $9,555,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1998:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,280,000, with an estimated first Federal cost of $19,162,000 and an estimated first non-Federal cost of $5,118,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska, at a total cost of $11,463,000, with an estimated Federal cost of $6,718,000 and an estimated first non-Federal cost of $4,745,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $11,930,000, with an estimated first Federal cost of $3,816,000 and an estimated first non-Federal cost of $8,114,000.

(4) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,100,000, with an estimated Federal cost of $41,300,000 and an estimated non-Federal cost of $13,800,000.

(5) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,900,000, with an estimated Federal cost of $128,600,000 and an estimated non-Federal cost of $86,300,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood damage reduction, environmental restoration, and recreation, South Sacramento County Streams, California at a total cost of $65,410,000, with an estimated Federal cost of $39,104,000 and an estimated non-Federal cost of $26,306,000.

(7) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California, at a total cost of $25,850,000, with an estimated Federal cost of $16,775,000 and an estimated non-Federal cost of $9,075,000.

(8) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The shore protection project for ecosystem restoration, Delaware Bay Coastline: Delaware and New Jersey-Port Mahon, Delaware, at a total cost of $7,563,000, with an estimated Federal cost of $4,916,000 and an estimated non-Federal cost of $2,647,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $238,000, with an estimated annual Federal cost of $155,000 and an estimated annual non-Federal cost of $83,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay Coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,326,000, with an estimated Federal cost of $2,569,000 and an estimated non-Federal cost of $757,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $207,000, with an estimated annual Federal cost of $159,000 and an estimated annual non-Federal cost of $48,000.

(10) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The shore protection project for hurricane storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,094,000, with an estimated Federal cost of $14,361,000 and an estimated non-Federal cost of $7,733,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,573,000, with an estimated annual Federal cost of $1,022,000 and an estimated annual non-Federal cost of $551,000.

(11) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $27,758,000, with an estimated Federal cost of $9,632,000 and an estimated non-Federal cost of $18,126,000.

(12) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The shore protection project for hurricane and storm damage prevention, Little Talbot Island, Duval County, Florida, at a total cost of $5,802,000, with an estimated Federal cost of $3,771,000 and an estimated non-Federal cost of $2,031,000.

(13) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,533,000, with an estimated Federal cost of $3,408,000 and an estimated non-Federal cost of $2,125,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida, at a total cost of $11,348,000, with an estimated Federal cost of $5,747,000 and an estimated non-Federal cost of $5,601,000.

(15) BRUNSWICK HARBOR DEEPENING, GEORGIA.—The project for navigation, Brunswick Harbor deepening, Georgia, at a total cost of $49,433,000, with an estimated Federal cost of $32,083,000 and an estimated non-Federal cost of $17,350,000.

(16) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project

for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $223,887,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $141,482,000 and an estimated non-Federal cost of $82,405,000, if the final report of the Chief of Engineers is completed by December 31, 1998.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(17) GRAND FORKS, NORTH DAKOTA, AND EAST GRAND FORKS, MINNESOTA.—The project for flood damage reduction and recreation, Grand Forks, North Dakota, and East Grand Forks, Minnesota, at a total cost of $307,750,000, with an estimated Federal cost of $154,360,000 and an estimated non-Federal cost of $153,390,000.

(18) BAYOU CASSOTTE EXTENSION, PASCAGOULA HARBOR, PASCAGOULA, MISSISSIPPI.—The project for navigation, Bayou Cassotte extension, Pascagoula Harbor, Pascagoula, Mississippi, at a total cost of $5,700,000, with an estimated Federal cost of $3,705,000 and an estimated non-Federal cost of $1,995,000.

(19) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $43,288,000 with an estimated Federal cost of $28,840,000 and an estimated non-Federal cost of $17,448,000.

(20) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for navigation mitigation, ecosystem restoration, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $14,885,000, with an estimated Federal cost of $11,390,000 and an estimated non-Federal cost of $3,495,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $4,565,000, with an estimated annual Federal cost of $3,674,000 and an estimated annual non-Federal cost of $891,000.

(21) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,861,000, with an estimated Federal cost of $3,160,000 and an estimated non-Federal cost of $1,701,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $454,000, with an estimated annual Federal cost of $295,000 and an estimated annual non-Federal cost of $159,000.

(22) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The shore protection project for hurricane and storm damage reduction and ecosystem restoration, New Jersey Shore protection, Townsends Inlet to Cape May Inlet, New Jersey, at a total cost of $55,204,000, with an estimated Federal cost of $35,883,000 and an estimated non-Federal cost of $19,321,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $6,319,000, with an estimated annual Federal cost of $4,107,000 and an estimated annual non-Federal cost of $2,212,000.

(23) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(24) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—The project for flood damage reduction and recreation, Metro Certer Levee, Cumberland River, Nashville, Tennessee, at a total cost of $5,931,000, with an estimated Federal cost of $3,753,000 and an estimated non-Federal cost of $2,178,000.

(25) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $74,908,000, with an estimated Federal cost of $36,284,000 and an estimated non-Federal cost of $38,624,000.

SEC. 103. PROJECT MODIFICATIONS.

(a) PROJECTS WITH REPORTS.—

(1) GLENN-COLUSA, CALIFORNIA.—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), and further modified by section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to authorize the Secretary to carry out the portion of the project in Glenn-Colusa, California, in accordance with the Corps of Engineers report dated May 22, 1998, at a total cost of $20,700,000, with an estimated Federal cost of $15,570,000 and an estimated non-Federal cost of $5,130,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled "Bank Stabilization Concept, Laurel Street Extension", dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(3) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $16,632,000, with an estimated Federal cost of $9,508,000 and an estimated non-Federal cost of $7,124,000.

(4) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88-253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) SACRAMENTO METRO AREA, CALIFORNIA.—The project for flood control, Sacramento Metro Area, California, authorized by section 101(4) of the Water Resources Development Act of 1992 (106 Stat. 4801) is modified to authorize the Secretary to construct the project at a total cost of $32,600,000, with an estimated Federal cost of $24,500,000 and an estimated non-Federal cost of $8,100,000.

(2) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(3) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(4) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $100,689,000, with an estimated Federal cost of $74,998,000 and an estimated non-Federal cost of $25,701,000.

(5) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $269,672,000, with an estimated Federal cost of $178,400,000 and an estimated non-Federal cost of $91,272,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $37,936,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.—

(1) IN GENERAL.—

(A) LAND ACQUISITION.—To provide full operational capability to carry out the authorized purposes of the Missouri River Main Stem dams that are part of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved December 22, 1944 (58 Stat. 891), the Secretary may acquire from willing sellers such land and property in the vicinity of Pierre, South Dakota, or floodproof or relocate such property within the project area, as the Secretary determines is adversely affected by the full wintertime Oahe Powerplant releases.

(B) OWNERSHIP AND USE.—Any land that is acquired under subparagraph (A) shall be kept in public ownership and shall be dedicated and maintained in perpetuity for a use that is compatible with any remaining flood threat.

(C) REPORT.—

(i) IN GENERAL.—The Secretary shall not obligate funds to implement this paragraph

until the Secretary has completed a report addressing the criteria for selecting which properties are to be acquired, relocated, or floodproofed, and a plan for implementing such measures, and has made a determination that the measures are economically justified.

(ii) DEADLINE.—The report shall be completed not later than 180 days after funding is made available.

(D) COORDINATION AND COOPERATION.—The report and implementation plan—

(i) shall be coordinated with the Federal Emergency Management Agency; and

(ii) shall be prepared in consultation with other Federal agencies, State and local officials, and residents.

(E) CONSIDERATIONS.—The report should take into account information from prior and ongoing studies.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000.

(h) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(i) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(j) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(k) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(l) MIAMI DADE AGRICULTURAL AND RURAL LAND RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

"(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

"(i) the Secretary determines that—

"(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

"(II) the work is necessary for a critical restoration project; and

"(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.".

(m) LAKE MICHIGAN, ILLINOIS.—

(1) IN GENERAL.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(n) MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking "$250,000 per fiscal year for each fiscal year beginning after September 30, 1986" and inserting "a total of $1,250,000 for each of fiscal years 1999 through 2003".

(o) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(p) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(q) JACKSON COUNTY, MISSISSIPPI.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(r) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21-3-85-1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21-3-85-1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with such plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21-3-85-1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(s) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No.

DACW68-1-97-22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws and regulations.

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(t) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes", approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(u) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

SEC. 104. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

"(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).".

SEC. 105. STUDIES.

(a) BALDWIN COUNTY, ALABAMA, WATERSHEDS.—The Secretary of the Army shall review the report of the Chief of Engineers on the Alabama Coast published as House Document 108, 90th Congress, 1st Session, and other pertinent reports, with a view to determining whether modifications of the recommendations contained in the House Document are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality, and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the watersheds in Baldwin County, Alabama.

(b) ESCAMBIA RIVER, ALABAMA AND FLORIDA.—

(1) IN GENERAL.—The Secretary shall review the report of the Chief of Engineers on the Escambia River, Alabama and Florida, published as House Document 350, 71st Congress, 2d Session, and other pertinent reports, to determine whether modifications of any of the recommendations contained in the House Document are advisable at this time with particular reference to Burnt Corn Creek and Murder Creek in the vicinity of Brewton, and East Brewton, Alabama, and the need for flood control, floodplain evacuation, flood warning and preparedness, environmental restoration and protection, and bank stabilization in those areas.

(2) COORDINATION.—The review shall be coordinated with plans of other local and Federal agencies.

(c) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(d) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(e) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(f) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(g) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(h) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(i) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(j) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(k) HILLSBOROUGH RIVER, WITHLACOOCHEE RIVER BASINS, FLORIDA.—The Secretary shall

conduct a study to identify appropriate measures that can be undertaken in the Green Swamp, Withlacoochee River, and the Hillsborough River, the Water Triangle of west central Florida, to address comprehensive watershed planning for water conservation, water supply, restoration and protection of environmental resources, and other water resource-related problems in the area.

(l) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(m) ST. LUCIE COUNTY, FLORIDA, SHORE PROTECTION.—The Secretary shall conduct a study to determine the feasibility of a shore protection and hurricane and storm damage reduction project to the shoreline areas in St. Lucie County from the current project for Fort Pierce Beach, Florida, southward to the Martin County line.

(n) SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking erosion control, bank stabilization, and flood control along the Saint Joseph River, Indiana, including the South Bend Dam and the banks of the East Bank and Island Park.

(o) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(p) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(q) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(r) CONTRABAND BAYOU NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(s) GOLDEN MEADOW LOCK, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(t) GULF INTRACOASTAL WATERWAY ECOSYSTEM PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(u) LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY, ST. CHARLES PARISH PUMPS.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(v) LAKE PONTCHARTRAIN AND VICINITY SEAWALL RESTORATION, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(w) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary shall conduct a study of the impacts of crediting the non-Federal interests for work performed in the project area of the Louisiana State Penitentiary Levee.

(x) DETROIT RIVER, MICHIGAN, GREENWAY CORRIDOR STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) POTENTIAL MODIFICATIONS.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(y) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(z) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(aa) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(bb) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(cc) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(dd) CAMDEN AND GLOUCESTER COUNTIES, NEW JERSEY, STREAMS AND WATERSHEDS.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration, floodplain management, flood control, water quality control, comprehensive watershed management, and other allied purposes along tributaries of the Delaware River, Camden County and Gloucester County, New Jersey.

(ee) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(ff) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(gg) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison

Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(hh) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(ii) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(jj) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(kk) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(ll) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(mm) CITY OF OCEAN SHORES SHORE PROTECTION PROJECT, WASHINGTON.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for beach erosion and flood control, including relocation of a primary dune and periodic nourishment, at Ocean Shores, Washington.

(nn) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(oo) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(pp) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(qq) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(rr) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

SEC. 106. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

SEC. 107. SHORE PROTECTION.

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking "Costs of constructing" and inserting the following:

"(1) CONSTRUCTION.—Costs of constructing"; and

(2) by adding at the end the following:

"(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1998, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

"(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

"(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.".

SEC. 108. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking "construction of small projects" and inserting "implementation of small structural and nonstructural projects"; and

(2) in the third sentence, by striking "$5,000,000" and inserting "$7,000,000".

SEC. 109. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: ", but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities".

SEC. 110. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking "1999" and inserting "2000".

SEC. 111. AQUATIC ECOSYSTEM RESTORATION.

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking "Construction" and inserting the following:

"(1) IN GENERAL.—Construction"; and

(2) by adding at the end the following:

"(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 112. BENEFICIAL USES OF DREDGED MATERIAL.

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.".

SEC. 113. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting "or environmental restoration" after "flood control".

SEC. 114. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460*l*-6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

SEC. 115. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking "interest of navigation" and inserting "interests of water resources development (including navigation, flood damage reduction, and environmental restoration)".

SEC. 116. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term "middle Mississippi River" means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term "Missouri River" means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term "project" means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

SEC. 117. OUTER CONTINENTAL SHELF.

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: "or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b)".

(b) REIMBURSEMENT FOR LOCAL INTERESTS AT SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.—Any amounts paid by the non-Federal interests for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

SEC. 118. ENVIRONMENTAL DREDGING.

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

"(6) Snake Creek, Bixby, Oklahoma.".

SEC. 119. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking "BENEFIT-COST ANALYSIS" and inserting "ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects."; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking "(b)" and inserting "(d)".

SEC. 120. CONTROL OF AQUATIC PLANT GROWTH.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting "Arundo dona," after "water-hyacinth,"; and

(2) by inserting "tarmarix" after "melaleuca".

SEC. 121. ENVIRONMENTAL INFRASTRUCTURE.

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

"(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

"(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.".

SEC. 122. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

"(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia."; and

(B) by adding at the end the following:

"(14) Clear Lake watershed, California.

"(15) Fresno Slough watershed, California.

"(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

"(17) Kaweah River watershed, California.

"(18) Lake Tahoe watershed, California and Nevada.

"(19) Malibu Creek watershed, California.

"(20) Truckee River basin, Nevada.

"(21) Walker River basin, Nevada.

"(22) Bronx River watershed, New York.

"(23) Catawba River watershed, North Carolina.";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.".

SEC. 123. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

"(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

"(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

"(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.".

SEC. 124. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

SEC. 125. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

"(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.".

SEC. 126. SMALL FLOOD CONTROL PROJECTS.

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

"(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey."; and

(3) by adding at the end the following:

"(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

"(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.".

SEC. 127. SMALL NAVIGATION PROJECTS.

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

"(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.".

SEC. 128. STREAMBANK PROTECTION PROJECTS.

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701s).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

SEC. 129. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.

(a) IN GENERAL.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) NON-FEDERAL SHARE.—The non-Federal share, excluding lands, easements, rights-of-way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

SEC. 130. GUILFORD AND NEW HAVEN, CONNECTICUT.

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

SEC. 131. FRANCIS BLAND FLOODWAY DITCH.

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as "Eight Mile Creek, Paragould, Arkansas", shall be known and designated as the "Francis Bland Floodway Ditch".

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

SEC. 132. CALOOSAHATCHEE RIVER BASIN, FLORIDA.

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: ", including potential land acquisition in the Caloosahatchee River basin or other areas".

SEC. 133. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the "Flood Control Act of 1936") (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

SEC. 134. SEDIMENTS DECONTAMINATION POLICY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102-580) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

"(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.".

SEC. 135. CITY OF MIAMI BEACH, FLORIDA.

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: ", including the city of Miami Beach, Florida".

SEC. 136. SMALL STORM DAMAGE REDUCTION PROJECTS.

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 137. SARDIS RESERVOIR, OKLAHOMA.

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56-74-JC-0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

SEC. 138. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

SEC. 139. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking "50" and inserting "35".

SEC. 140. FISH AND WILDLIFE MITIGATION.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: "Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.".

SEC. 141. UPPER MISSISSIPPI RIVER MANAGEMENT.

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking "(e)" and all that follows through the end of paragraph (2) and inserting the following:

"(e) UNDERTAKINGS.—

"(1) IN GENERAL.—

"(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

"(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

"(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

"(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

"(i) to the maximum extent practicable, simulate natural river processes;

"(ii) include an outreach and education component; and

"(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

"(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

"(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

"(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

"(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

"(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

"(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

"(A) contains an evaluation of the programs described in paragraph (1);

"(B) describes the accomplishments of each program;

"(C) includes results of a habitat and natural resource needs assessment; and

"(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).";

(B) in paragraph (3)—

(i) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)"; and

(ii) by striking "Secretary not to exceed" and all that follows and inserting "Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.";

(C) in paragraph (4)—

(i) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)"; and

(ii) by striking "$7,680,000" and all that follows and inserting "$10,420,000 for each of fiscal years 1999 through 2009.";

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

"(6) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

"(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A).";

and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting "(i)" after "paragraph (1)(A)"; and

(II) by inserting before the period at the end the following: "and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent"; and

(ii) in subparagraph (B), by striking "paragraphs (1)(B) and (1)(C) of this subsection" and inserting "paragraph (1)(A)(ii)";

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

"(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.".

SEC. 142. REIMBURSEMENT OF NON-FEDERAL INTEREST.

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(2)(A)) is amended by striking "subject to amounts being made available in advance in appropriations Acts" and inserting "subject to the availability of appropriations".

SEC. 143. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104-303) is amended by striking subsection (a) and all that follows and inserting the following:

"(a) SALMON SURVIVAL ACTIVITIES.—

"(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

"(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

"(A) impacts from water resources projects and other impacts on salmon life cycles;

"(B) juvenile and adult salmon passage;

"(C) light and sound guidance systems;

"(D) surface-oriented collector systems;

"(E) transportation mechanisms; and

"(F) dissolved gas monitoring and abatement.

"(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

"(A) studies of juvenile salmon survival in spawning and rearing areas;

"(B) estuary and near-ocean juvenile and adult salmon survival;

"(C) impacts on salmon life cycles from sources other than water resources projects;

"(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

"(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

"(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

"(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

"(b) ADVANCED TURBINE DEVELOPMENT.—

"(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

"(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

"(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

"(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.".

SEC. 144. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

SEC. 145. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The costs" and inserting the following:

"(b) COST SHARING.—The costs";

(3) in the third sentence—

(A) by striking "No such" and inserting the following:

"(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such"; and

(B) by striking "$2,000,000" and inserting "$5,000,000"; and

(4) by adding at the end the following:

"(d) COORDINATION.—The Secretary shall—

"(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

"(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.".

SEC. 146. LARKSPUR FERRY CHANNEL, CALIFORNIA.

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

SEC. 147. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

SEC. 148. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

SEC. 149. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term "fair market value" means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term "previous owner of land" means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Army Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

SEC. 150. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

SEC. 151. EYAK RIVER, CORDOVA, ALASKA.

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

SEC. 152. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

SEC. 153. KANOPOLIS LAKE, KANSAS.

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

SEC. 154. NEW YORK CITY WATERSHED.

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking "for the project to be carried out with such assistance" and inserting ", or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)".

SEC. 155. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

SEC. 156. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 157. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

(a) DEFINITION OF TASK FORCE.—In this section, the term "Task Force" means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

SEC. 158. GREAT LAKES BASIN PROGRAM.

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Army Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Army Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Army Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Army Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

SEC. 159. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary"; and

(2) by adding at the end the following:

"(2) CONTROL OF SEA LAMPREY.—Congress finds that—

"(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

"(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.".

SEC. 160. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Army Corps of Engineers.

SEC. 161. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

TITLE II—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

SEC. 201. DEFINITIONS.

In this title:

(1) RESTORATION.—The term "restoration" means mitigation of the habitat of wildlife.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(3) TERRESTRIAL WILDLIFE HABITAT.—The term "terrestrial wildlife habitat" means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(4) WILDLIFE.—The term "wildlife" has the meaning given the term in section 8 of the

Fish and Wildlife Coordination Act (16 U.S.C. 666b).

SEC. 202. TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.—

(1) IN GENERAL.—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 203, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the Committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 204, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) implement the programs.

(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the earlier of—

(aa) the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 203(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 204(d)(3)(A)(i); or

(bb) the date that is 4 years after the date of enactment of this Act.

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 203(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 203(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 204(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OAHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 203 and 204 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

SEC. 203. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund" (referred to in this section as the "Fund").

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least $108,000,000, the Secretary of the Treasury shall deposit in the Fund an amount equal to 15 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(A), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 204. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the "Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund" and the "Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund" (each of which is referred to in this section as a "Fund").

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least $57,400,000, the Secretary of the Treasury shall deposit in the Funds an amount equal to 10 percent of the receipts from the deposits in the Treasury of the United States for the preceding fiscal year from the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(2) ALLOCATION.—Of the total amount of funds deposited into the Funds for a fiscal year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 202(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 202(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 202(b);

(IV) carry out other activities described in section 202; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

SEC. 205. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.

(a) IN GENERAL.—

(1) TRANSFER.—

(A) IN GENERAL.—The Secretary of the Army shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the "Department") the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary of the Army to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 202.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(4) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin's Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as "Cottonwood", "Training Dike", or "Tailwaters"; and

(5) is located below Gavin's Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 203.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Nothing in this title affects jurisdiction over the land and water below the exclusive flood pool of the Missouri River within the State of South Dakota, including affected Indian reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue in perpetuity to exercise the jurisdiction the State and Tribes possess on the date of enactment of this Act.

(2) NO EFFECT ON RESPECTIVE JURISDICTIONS.—The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in paragraph (1).

(h) APPLICABILITY OF LAW.—Notwithstanding any other provision of this Act, the

following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w–3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

SEC. 206. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.

(a) IN GENERAL.—

(1) TRANSFER.—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c).

(2) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), or other applicable law.

(3) SECRETARY OF THE ARMY.—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) TRUST.—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and waters within a recreation area that—

(1) the Secretary of the Army determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary of the Army, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures;

which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary of the Army.

(e) SCHEDULE FOR TRANSFER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 204.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary of the Army shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—Nothing in this title affects jurisdiction over the land and waters below the exclusive flood pool and within the external boundaries of the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe reservations. The State of South Dakota, the Lower Brule Sioux Tribe, and the Cheyenne River Sioux Tribe shall continue to exercise, in perpetuity, the jurisdiction they possess on the date of enactment of this Act with regard to those lands and waters. The Secretary may not adopt any regulation or otherwise affect the respective jurisdictions of the State of South Dakota, the Lower Brule River Sioux Tribe, or the Cheyenne River Sioux Tribe described in the preceding sentence. Jurisdiction over the land transferred under this section shall be the same as that over other land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Tribe reservation and the Lower Brule Sioux Tribe reservation.

(3) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—

(A) MAINTENANCE.—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) PAYMENTS TO COUNTY.—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

SEC. 207. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) POWER RATES.—No payment made under this title shall affect any power rate under the Pick-Sloan Missouri River Basin program.

(c) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private land caused by the operation of the Pick-Sloan Missouri River Basin program.

(d) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

SEC. 208. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to conduct a comprehensive study of the potential impacts of the transfer of land under sections 205(b) and 206(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) NO TRANSFER PENDING DETERMINATION.—No transfer of land under section 205(b) or 206(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title; and

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 202(a).

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

FINANCIAL SERVICES COMPETITION ACT OF 1998

LOTT AMENDMENT NO. 3804

Mr. LOTT proposed an amendment to the motion to recommit proposed by him to the bill (H.R. 10) to enhance

competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT TO 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Parent and Student Savings Account PLUS Act".

(b) AMENDMENT TO 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment to 1986 Code; table of contents.

TITLE I—TAX INCENTIVES FOR EDUCATION

Sec. 101. Modifications to education individual retirement accounts.
Sec. 102. Exclusion from gross income of education distributions from qualified State tuition programs.
Sec. 103. Extension of exclusion for employer-provided educational assistance.
Sec. 104. Additional increase in arbitrage rebate exception for governmental bonds used to finance education facilities.
Sec. 105. Exclusion of certain amounts received under the National Health Corps Scholarship program.

TITLE II—REVENUE

Sec. 201. Clarification of deduction for deferred compensation.
Sec. 202. Modification to foreign tax credit carryback and carryover periods.

TITLE I—TAX INCENTIVES FOR EDUCATION

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include amounts paid or incurred to purchase tuition credits or certificates, or to make contributions to an account, under a qualified State tuition program (as defined in section 529(b)) for the benefit of the beneficiary of the account."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, or

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1998, and before January 1, 2003, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) CONFORMING AMENDMENTS.—Subsections (b)(1) and (d)(2) of section 530 are each amended by striking "higher" each place it appears in the text and heading thereof.

(b) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses), as amended by subsection (a)(3), is amended by adding at the end the following new subparagraph:

"(E) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(f) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (f) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

SEC. 102. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

"(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

"(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

"(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(b) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Section 529(e)(3)(A) (defining qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary at an eligible educational institution."

(c) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) (relating to coordination with exclusions) is amended—

(1) by inserting "a qualified State tuition program or" before "an education individual retirement account", and

(2) by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(d) TECHNICAL CORRECTION.—Section 529(c)(3)(A) is amended by striking "section 72(b)" and inserting "section 72".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (d) shall take effect as if included in the amendments made by section 211 of the Taxpayer Relief Act of 1997.

SEC. 103. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "May 31, 2000" and inserting "December 31, 2002".

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—The last sentence of section 127(c)(1) (defining educational assistance) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to expenses paid with respect to courses beginning after May 31, 2000.

(2) GRADUATE EDUCATION.—The amendment made by subsection (b) shall apply to expenses paid with respect to courses beginning after December 31, 1997.

SEC. 104. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATION FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1998.

SEC. 105. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)"; and

(2) by adding at the end the following new paragraph:

"(2) NATIONAL HEALTH CORPS SCHOLARSHIP PROGRAM.—Paragraph (1) shall not apply to any amount received by an individual under the National Health Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE II—REVENUE

SEC. 201. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) IN GENERAL.—Section 404(a) (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) DETERMINATIONS RELATING TO DEFERRED COMPENSATION.—

"(A) IN GENERAL.—For purposes of determining under this section—

"(i) whether compensation of an employee is deferred compensation, and

"(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to severance pay."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

SEC. 202. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1999.

LOTT AMENDMENT NO. 3805

Mr. LOTT proposed an amendment to amendment No. 3804 proposed by him to the bill, H.R. 10, supra; as follows:

At the end of the Instructions, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marriage Tax Elimination Act".

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) TREATMENT OF INCOME.—For purposes of this section—

"(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

"(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

"(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

"(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

"(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

"(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

"(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

"(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

"(6) section 63 shall be applied as if such spouses were not married, and

"(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

"(A) the numerator of which is such spouse's adjusted gross income, and

"(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

"(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.".

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:".

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

"(C) $3,000 in the case of an individual who is not—

"(i) a married individual filing a joint return or a separate return,

"(ii) a surviving spouse, or

"(iii) a head of household, or".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning January 1, 2000.

LOTT AMENDMENT NO. 3806

Mr. LOTT proposed an amendment to amendment No. 3805 proposed by him to the bill, H.R. 10, supra; as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the "Marriage Tax Elimination Act".

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) TREATMENT OF INCOME.—For purposes of this section—

"(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

"(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

"(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

"(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

"(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

"(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

"(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

"(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

"(6) section 63 shall be applied as if such spouses were not married, and

"(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

"(A) the numerator of which is such spouse's adjusted gross income, and

"(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

"(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.".

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:".

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) of such Code is amended to read as follows:

"(C) $3,000 in the case of an individual who is not—

"(i) a married individual filing a joint return or a separate return,

"(ii) a surviving spouse, or

"(iii) a head of household, or".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

GLACIER BAY MANAGEMENT AND PROTECTION ACT OF 1998

MURKOWSKI AMENDMENT NO. 3807

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1064) to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Glacier Bay Fisheries Act'.

"SEC. 2. FISHERIES MANAGEMENT.

"Hereafter, commercial fishing shall be allowed to occur in the marine waters of Glacier Bay National Park, except that—

"(1) fishing in Glacier Bay north of a line drawn from Point Carolus to Point Gustavus may be limited to the use of longlining for halibut, the use of pots and ring nets for crab, and troll gear for salmon;

"(2) the waters of Rendu Inlet, Adams Inlet, and the Scidmore Bay-Hugh Miller Inlet-Charpentier Inlet complex shall be closed to commercial fishing; and,

"(3) fishing for Dungeness crab shall be permitted in the Beardslee Islands and in upper Dundas Bay, but may be limited to the number of individuals who harvested Dungeness crab in either the Beardslee Islands or upper Dundas Bay in 1995, 1986 or 1997.

"SEC. 3 EFFECT ON TIDAL AND SUBMERGED LAND.

"(a) Nothing in this Act invalidates, or in any other ways affects any claim of the State of Alaska to title to any tidal or submerged land.

"(b) No action taken pursuant to or in accordance with this Act shall bar the State of Alaska from asserting at any time its claim of title to any tidal or submerged land.

"(c) Nothing in this Act, and no action taken pursuant to this Act, shall expand or diminish Federal or State jurisdiction, responsibility, interests, or rights in the management, regulation, or control of waters or tidal or submerged land of the State of Alaska."

Mr. MURKOWSKI. Mr. President, I am both throwing down a gauntlet and laying down a marker on this subject of fishing in Glacier Bay.

Native Alaskans have used Glacier Bay to obtain fish and other foodstuffs essential to them for many thousands of years, and not long after the United States acquired Alaska, commercial fishing started there also. In all the time since, fishing has caused absolutely no harm to the values that make

this area one of America's premier national parks.

Parts of Glacier Bay were declared as a national monument in 1925, to promote the study of flora, fauna and geology of post-glacial terrain. Glacier Bay was ideal for this purpose. When visited by Capt. George Vancouver in the late 18th century it was closed by a geologically recent glacial advance, but by the time John Muir visited in the 1880's, Native fishermen had resumed their age-old practice of fishing here every summer.

In 1939, the national monument was expanded. In 1980, it was expanded again, and most of it was redesignated as a national park.

Mr. President, just as the Federal Government spoke with a "forked tongue" to Native Americans throughout much of our history, so it has spoken to the Tlingits and to the other local residents who rely on Glacier Bay for their livelihoods and for their sustenance. Throughout the history of government proclamations, local Natives and commercial fishermen have been promised that their activities would be respected—yet a few years ago, the government decided to ignore its promises and began a concerted effort to banish both commercial and subsistence fishing.

It has been aided and abetted by some of the sleaziest tactics I have ever seen—a network of half-truths and outright lies about the fisheries, the fishermen, and about our efforts to save them.

Mr. President, this is just plain wrong. It is an affront to every American who believes the government's promises should be worth something, and there are still a few of us left, despite everything.

I had hopes that reasonable people could work this issue out. Indeed, earlier this year I delayed further action on my own efforts to craft compromise legislation in order to allow additional time to the fishermen, State of Alaska representatives and others who have been trying to develop a consensus.

Unfotunately, these efforts have been stymied by the refusal of the national environmental organizations to agree to fair treatment of these historical users. For that reason, I supported putting a one-year regulatory moratorium into the Interior appropriation, so as to allow additional time to work on this issue at the local level.

Regrettably, the Department of the Interior and its allies are not willing to continue working toward a consensus. Instead, they refused to accept the moratorium language, and insisted on going forward with regulations to put the fishermen out of business.

There is a real inconsistency here; in the same bays and inlets where they insist fishing is an unacceptable commercial activity, they are only too happy to allow tour vessels with thousands of visitors.

Soon, perhaps within hours, perhaps within a few days, we will pass an omnibus appropriation measure that makes one of Washington's insider "deals" on this issue. Under the deal, a minimum payment will be made to get some fishermen to disappear altogether, and a handful of others will be told that they will be allowed to fish, but that their current right to sell or bequeath their fishing permits to their children has just evaporated forever.

I repeat, Mr. President, what is happening here is just plain wrong.

For that reason, I am today offering an amendment to my earlier bill. I will introduce another such a bill in January of next year, and In intend to introduce such a bill every January hereafter until justice is done. I will also welcome the assistance of the State of Alaska in asserting its right of jurisdiction over the management of these fisheries.

Come what may, I will not stand by and allow these existing small fishing operators to be lost in Glacier Bay.

GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1998

FEINGOLD AMENDMENT NO. 3808

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1966) to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; as follows:

On page 4, after line 24, insert the following:

(g) TRANSFER OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—All amounts made available to the Denali Commission for fiscal year 1999 shall be transferred to the Secretary of the Interior for use in carrying out subsections (c) and (d).

(2) UNEXPENDED BALANCE.—Any balance of amounts transferred under paragraph (1) that remain unexpended at the end of fiscal year 1999 shall be returned to the general fund of the Treasury of the United States.

• Mr. FEINGOLD. Mr. President, today I am submitting an amendment to S. 1966, Gaylord Nelson Apostle Islands Stewardship Act of 1988, a bill that I introduced on April 22, 1988. In keeping with my belief that progress toward a balanced budget should be maintained, I am proposing that a section be added to the bill which offsets the $4.1 million in authorized spending for the Apostle Islands contained in my original bill, with the $20 million in funds appropriated in FY 99 to the Denali Commission. The Secretary of the Interior would be required to transfer $15.9 million above the money that it needs to take actions at the Apostle Islands back to the Treasury.

Mr. President, the Denali Commission is not currently authorized. Authorization for this new commission was included in the Senate version of the FY 99 Energy and Water Appropriations bill, but was removed in conference. Nevertheless, the appropriators decided to set aside $20 million in funds pending the authorization of the Commission. Whatever the merits of this proposed commission may be, Mr. President, I am concerned that we have set aside such a large amount of money when we have acute appropriations needs at places like the Apostle Islands National Lakeshore, for an unauthorized program.

I am further concerned, Mr. President, about creating a new Federal commission to address economic development and other State specific issues when Congress is seeking to back away from such commitments. For example, in the same bill that provides funds for the Denali Commission, the Congress terminates appropriated funds for the Tennessee Valley Authority, known as TVA, an action I have had legislation to accomplish since I became a Member of the Senate. I applaud congress for acting to end appropriated funds for TVA, but I fear we may take a step backward if we create a new entity that we now need to fund.

I look forward to Senate Energy Committee consideration of the Gaylord Nelson Apostle Islands Stewardship Act of 1988, and its eventual passage.•

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

KYL AMENDMENT NO. 3809

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; as follows:

Strike all after enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Salton Sea Reclamation Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SALTON SEA FEASIBILITY STUDY

Sec. 101. Feasibility study authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. DEFINITIONS.

In this Act:—

(1) the term "Committees" means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environmental and Public Works of the Senate;

(2) the term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993; and

(3) the term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA FEASIBILITY STUDY

SEC. 101. SALTON SEA FEASIBILITY STUDY AUTHORIZATION.

(a) IN GENERAL.—No later than January 1, 2000, the Secretary, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—

(A) The Secretary shall complete all studies, including, but not limited to environmental and other views, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (1) reduce and stabilize the overall salinity of the Salton Sea, (2) stabilize the surface elevation of the Salton Sea, (3) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (4) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (1) identify any options he deems economically feasible and cost effective, (2) identify any additional information necessary to develop construction specifications, and (3) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefit and the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) ASSUMPTIONS.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of federal contributions.

(c) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(b), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the 'Salton Sea Research Management Committee'. The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following five members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary, through accounts within the Fish and Wildlife Service Exclusively, $5,000,000.

(f) ADVISORY COMMITTEE ACT.—The committee, and its activities, are not subject to the Federal Advisory Commission Act (5 U.S.C. app.).

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the 'Sonny Bono Salton Sea National Wildlife Refuge'.

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property from willing sellers, and interests in real property (including site access) from willing sellers as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) FEDERAL WATER POLLUTION CONTROL.—Water withdrawn solely for the purpose of a

wetlands project to improve water quality under subsection (a)(1), when returned to the Alamo River or New River, shall not be required to meet water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $3,000,000.

Amend the title to read as follows: "To direct the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study relating to the Salton Sea, and for other purposes.".

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1998

FRIST (AND ROCKEFELLER) AMENDMENT NO. 3810

Mr. COATS (for Mr. FRIST for himself and Mr. ROCKEFELLER) proposed an amendment to the bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Administration Act of 1998".

SEC. 2. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking ", which are designed" and all that follows through "operation of a Center," and inserting in lieu thereof ". After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed one third of the capital and annual operating and maintenance costs of the Center under the program.".

SEC. 3. MALCOLM BALDRIGE QUALITY AWARD.

(a) ADDITIONAL AWARDS.—Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting ", unless the Secretary determines that a third award is merited and can be given at no additional cost to the Federal Government" after "in any year".

(b) CATEGORIES.—Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

"(D) Health care providers.

"(E) Education providers.".

SEC. 4. NOTICE.

(a) REDESIGNATION.—Section 31 of the National Institute of Standards and Technology Act is redesignated as section 32.

(b) NOTICE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 30 the following new section:

"NOTICE

"SEC. 31. (a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(b) NOTICE OF REORGANIZATION.—

"(1) REQUIREMENT.—The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

"(2) DEFINITION.—For purposes of this subsection, the term "major reorganization" means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.".

SEC. 5. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond; and

(2) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 6. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private education institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 7. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

"SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

"(b) In carrying out the program under this section, the Director shall focus on the areas of—

"(1) scientific measurements;

"(2) tests and standards development;

"(3) industrial competitiveness and quality;

"(4) manufacturing;

"(5) technology transfer; and

"(6) any other area of expertise of the Institute that the Director determines to be appropriate.

"(c) The Director shall develop and issue procedures and selection criteria for participants in the program.

"(d) The program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

"(e) The program shall provide for teachers' participation in activities at the laboratory facilities of the Institute, or shall utilize other means of accomplishing the goals of the program as determined by the Director, which may include the Internet, video conferencing and recording, and workshops and conference.".

SEC. 8. OFFICE OF SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commercialization (referred to in this section as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiative within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign

countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 9. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

Section 5 of the Stevenson Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705) is amended by adding at the end the following:

"(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999 a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the 'program'). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

"(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

"(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

"(B) cooperate with—

"(i) any State science and technology council established under the program under subparagraph (A); and

"(ii) representatives of small business firms and other appropriate technology-based businesses.

"(3) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary, acting though the Under Secretary, may make grants or enter into cooperative agreements to provide for—

"(A) technology research and development;

"(B) technology transfer from university research;

"(C) technology deployment and diffusion; and

"(D) the strengthening of technological capabilities through consortia comprised of—

"(i) technology-based small business firms;

"(ii) industries and emerging companies;

"(iii) universities; and

"(iv) State and local development agencies and entities.

"(4) REQUIREMENTS FOR MAKING AWARDS.—

"(a) IN GENERAL.—In making awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

"(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 25 percent of the cost of those activities.

"(5) CRITERIA FOR STATES.—The Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

"(6) COORDINATION.—To the extent practicable, in carrying out this subsection, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commence.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Technology Administration Act of 1998, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

"(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

"(i) a description of the structure and procedures of the program;

"(ii) a management plan for the program;

"(iii) a description of the merit-based review process to be used in the program;

"(iv) milestones for the evaluation of activities to be assisted under the program in fiscal year 1999;

"(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

"(iv) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.".

SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.

In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore, the scene of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

HATCH (AND OTHERS) AMENDMENT NO. 3811

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, and Mr. DEWINE) proposed an amendment to the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; as follows:

On page 116, lines 22 and 23, strike "territory" and insert "commonwealth, territory,".

On page 118, strike lines 1 through 3, and insert the following:

"(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United".

On page 132, lines 9 and 10, strike "that provide probable cause to believe that" and insert "from which".

On page 132, line 13, strike "has occurred" and insert "is apparent,".

HATCH (AND OTHERS) AMENDMENT NO. 3812

Mr. COATS (for Mr. HATCH for himself, Mr. LEAHY, Mr. DEWINE, and Mr. SESSIONS) proposed an amendment to the bill, H.R. 3494, supra; as follows:

On page 121, between lines 6 and 7, insert the following:

SEC. 203. "ZERO TOLERANCE" FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking "3 or more" each place that term appears and inserting "1 or more"; and

(2) by adding at the end the following:

"(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

"(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.".

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking "3 or more images" each place that term appears and inserting "an image"; and

(2) by adding at the end the following:

"(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

"(1) possessed less than 3 images of child pornography; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Friday, October 9, 1998, at 10:30 a.m. for a markup of pending committee nominations.

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

ADDITIONAL STATEMENTS

MICHAEL "MICK" BIRD—THE TRANS-OCEANIC ROWING EXPEDITION

• Mr. INOUYE. Mr. President, I rise today to bring my colleagues' attention to a very exciting expedition. Last month, Mr. Michael "Mick" Bird completed the second leg of an unprecedented 24,000 mile voyage around the

world. On August 19, 1997, Mick Bird started rowing out to sea from Fort Bragg, California in his vessel *Reach*. After 66 days of rowing, on October 23, 1997, Mick arrived in Hilo Bay on the Big Island of Hawaii.

After putting the *Reach* in drydock in Hawaii, Mick returned to his home base in California to raise support and prepare for the next leg of his historic journey. Mick returned to Hawaii this Summer and put to sea in *Reach* on July 18, 1998 rowing for the Gilbert Islands, about 2,500 miles southwest of Hawaii and the halfway point between Hawaii and Australia. On September 22, 1998, 66 days and more than 2,200 miles from Hawaii, Mick made land fall on Majuro in the Marshall Islands, a bit north of his intended destination in the Gilberts. Mick is now happily home in California with his family preparing for his next leg to the north central coast of Australia; another 2,500 mile row.

Mick Bird, a former U.S. Air Force officer, is of Pacific Island descent and has family ties to the State of Hawaii. His voyage is more formally known as Trans-Oceanic, which is the name of the non-profit organization sponsoring this attempt at the world's first solo circumnavigation of the globe by a rowing vessel. The goals of this expedition are, among others, to explore the limits of the human spirit, to raise awareness about ocean ecosystems, to be an example of individual achievement as well as teamwork, and to generate support for The National Tuberous Sclerosis Association. The expedition is also using its World Wide Web sites (www.naau.com and www.goals.com/transrow) to create a direct link between Mick's vessel *Reach* and educators and students to share experiences and practical applications of math, science and geography.

I would like to congratulate Mr. Bird on his very impressive accomplishments to this point, and to express my good wishes for the safety and success of the rest of this voyage around the world. I also wish to commend him and Trans-Oceanic for enhancing public awareness and education. I encourage my colleagues to have a look at Trans-Oceanic's web sites and share them with educators at home to follow along with this amazing journey.•

TRIBUTE TO JUDGE ROBERT I.H. HAMMERMAN

• Mr. SARBANES. Mr. President, I rise to acknowledge the unique and extraordinary contributions made to Baltimore and the State of Maryland by Judge Robert I.H. Hammerman who, this past summer, retired after thirty-seven years of distinguished service to our citizens and legal system. During his career on the bench, Judge Hammerman was a leader in court reform and the efforts to establish an effective yet caring system of juvenile criminal justice. These efforts were directed not only at changing the system, but also at exerting every effort possible to give young men in need the opportunity for academic and athletic development.

His remarkable commitment to the youth of Baltimore is most exemplified by the Lancers Boys Club which he founded 50 years ago and which greatly affected the lives of approximately 3,000 young men of all different backgrounds and races. Through his remarkable commitment, Judge Hammerman influenced several generations of young men whose leadership has affected every facet of State and national life. "Bobby" Hammerman, as he is known by his fellow Baltimoreans, served his community with exceptional dedication as a jurist but also, even more importantly, as a good and caring citizen. I want to take this occasion to express my own appreciation for his life of service and ask to have printed in the RECORD several articles from the Baltimore Sun and the Baltimore Jewish Times which chronicle his accomplishments.

The articles follow:

[From the Baltimore Sun, July 16, 1998]

WITH CLOSING ARGUMENT, JUDGE ENDS 37-YEAR TERM

MD.'S HAMMERMAN QUESTIONS BEING FORCED TO PUT DOWN GAVEL AT 70

By Dennis O'Brien)

The longest-serving trial judge in Maryland history hangs up his robes today—and he is not happy about it.

"I'm not retiring. They're retiring me," says Baltimore Circuit Chief Judge Robert I.H. Hammerman.

After 37 years of deciding other people's fates and distputes, Hammerman says this choice is being made for him: He will turn 70 tomorrow, the mandatory retirement age for judges under Maryland law.

He sees little sense to being forced out because of his age, especially since he is fit enough to walk up the five fights of stairs to his countroom two or three times each day, he still needs only four hours of sleep each night, can beat 20-year-old opponents at tennis and plays an hours of squash five times a week.

He loves the work routine that begins at 5:30 a.m. and involves listening to hours of arcane legal arguments.

"I feel like every day is a new day, and every day is different. I've never felt tired, or bored at this job," he says.

Hammerman has asked Court of Appeals Chief Judge Robert Mack Bell to allow him to serve in retirement as much as possible as a part-time judge, a position that would mean "specially assigning" him to any courthouse in Maryland where judges are short-handed.

Bell says he intends to take Hammerman up on his offer. "I think he's been a great judge," said Bell, who served with Hammerman on the Baltimore Circuit Court in the 1980s before Bell was appointed the state's top judge.

It upsets Hammerman that Maryland law will allow him to serve as a part-time judge for only one-third of any calendar year.

Hammerman, who is single, gives the impression of being willing to go just about anywhere to hear a case.

"I've always said that when my time is up in this world, I want it to be one of three courts: a court of law, a tennis court or a squash court," Hammerman said.

FROM THE BEGINNING

Robert Israel Harold Hammerman was born in Baltimore, the son of Herman Hammerman, a lawyer who did mostly real estate work for his older brother, S.L. Hammerman, a prominent Baltimore developer.

A graduate of City College, the Johns Hopkins University and Harvard Law School, Hammerman was appointed in 1961 by Gov. J. Millard Tawes to be a judge on the old Baltimore Municipal Court to decide traffic cases, neighborhood disputes and misdemeanor offenses. He was appointed six years later to the Supreme Bench of Baltimore, which became the Baltimore Circuit Court in 1983.

He spent his first eight years on the Supreme Bench presiding over the city's Juvenile Court and is credited with bringing the court into compliance with a landmark 1967 Supreme Court case, In Re Gault, that guaranteed juvenile offenders the same right to an attorney as adults.

IN THE SPOTLIGHT

Over the years, Hammerman has presided over some of the city's most publicized trials, including the 1995 jury trial for John Joseph Merzbacher, then 53, a former Catholic Community Middle School teacher accused of sexually abusing 14 students and other teen-agers between 1972 and 1979.

Hammerman sentenced the former teacher to four life terms for raping one of the students.

In recent years, Hammerman said, the courts have been flooded with criminal cases—particularly drug cases. When he was appointed to the Supreme Bench there were 15 judges, he said. These days there are twice that many judges—and the courts are still swamped, he said.

"The drug culture just permeates everything we do here," he said.

BE ON TIME, OR ELSE

In court, Hammerman developed a reputation as a strict, uncompromising no-nonsense judge, who appeared each morning on the bench at exactly 9 a.m. and expected lawyers to be just as punctual.

"He's very big on punctuality," said David Moore, a former law clerk who is now a Baltimore assistant state's attorney.

Many lawyers also say that Hammerman is prone to lose his temper, is often quick to make up his mind on a case and will dress down lawyers who either try to argue him out of his position or fail to show proper respect.

"He's never held me in contempt, but he's chewed me out." said Curt Anderson, a criminal defense lawyer, former state delegate and a longtime friend. "It reminded me of being 17 again and being chewed out—it was that bad."

Lewis A. Noonberg, another lawyer and longtime friend, attributes Hammerman's legendary short fuse to his work ethic and his competitive edge.

"He loves sports, and he loves to beat the pants off people half his age. He doesn't get any thrill out of beating me 'cause I'm only 10 years younger than him," said Noonberg, 60.

REPUTATION FOR HONESTY

Hammerman admits to being competitive and to insisting on civility in his courtroom.

But more than anything, he says, he values his reputation for honesty. So he says it offended him when he was charged with leaving the scene of an accident after a fender-bender outside the Pikesville library on Reisterstown Road on April 5, 1997.

The driver of the car who reported the accident, Ronnie N. Albom, said publicly after Hammerman was cleared of the charge on Sept. 22, 1997, that his position as a judge helped him win the acquittal in Baltimore County District Court, a charge that Hammerman vehemently denies.

Hammerman said that there was no accident and no damages, that he did not know the judge who acquitted him and that he turned down an offer to have the case dismissed if he would pay the $77 in damages to Albom.

"For one thing, there was no accident. Second, I didn't leave the scene; that's how they got the information that they later used to file these false charges," Hammerman said.

LEGACY OF THE LANCERS

Although as a judge he has often been in the public eye, Hammerman may be best known throughout the city for his work as adviser to the Lancers Boys Club, a high-profile civic organization for teen-age boys established by three childhood friends in 1946. The club, which boasts Mayor Kurt L. Schmoke and numerous other prominent people as members, has been the judge's pet project ever since.

Hammerman has used the club to steer 3,000 boys to civic activism through activities such as tutoring in schools, working in soup kitchens and participating in community cleanup drives. The club encourages members to study in school, play sports and strive for success and rewards them with overseas trips, dinners and lectures that have included celebrity guest speakers.

In retirement, Hammerman says, he probably will spend more time on club activities, lining up speakers, corresponding with members and making arrangements for trips, dinners and other events.

Anderson, who joined the Lancers when he and Schmoke were students at City College, praises Hammerman for his club work.

"You've got to hand it to him," Anderson said. "He's probably touched thousands of lives."

[From the Baltimore Jewish Times, July 10, 1998]

A GOOD WAY TO LEAVE—BALTIMORE'S CHIEF JUDGE ROBERT I.H. HAMMERMAN MIGHT BE RETIRING, BUT HE'LL NEVER STOP WORKING

(By Christine Stutz)

One can only imagine how crestfallen Chief Judge Robert I.H. Hammerman will feel when his alarm goes off at 3:52 a.m. on July 17, and he remembers he's not due in court.

For July 17 is his 70th birthday, which means it's also the first day of his retirement, a status he finds about as appealing as a dip in a frozen lake.

"I'm not retiring," Judge Hammerman says, indignantly. "They're retiring me."

With 37 years of service to the city of Baltimore, Judge Hammerman has the longest tenure of any judge in the Maryland court system. For a man who lives by a strict work ethic and personifies the core values associated with that ethic, every day off the bench will carry a certain emptiness.

That's why he's offering to hear cases as a retired "recall judge" in whatever local jurisdiction needs him, 12 months a year—even though by law he can only be paid for four months of service.

"I don't know anyone who has tried, and continues to try, harder than he does simply to be a good judge," says Baltimore Circuit Court Judge David Ross, a longtime colleague and friend of Judge Hammerman's who retired voluntarily two years ago.

"He gives a lot and he expects a lot," says David L. Palmer, a former Baltimore assistant state's attorney who now works in the law offices of Peter Angelos. "He takes a lot of pride in the courtroom."

At the luncheons and dinners planned in his honor in the coming weeks, the vigorous, whitehaired jurist will be lauded as a man of intellect, industry and integrity. No doubt he also will be teased about his tennis game, his fondness for iced tea and Rold Gold pretzels, and his fastidious nature.

On the bench, he is Chief Judge Robert I.H. Hammerman, a stickler for detail and a force to be reckoned with. The first week on the job, every trial lawyer in town learns two cardinal rules about the Hammerman court: be on time and be prepared. Those who have incurred his wrath are probably still smarting from it.

In his private life, though, he is Bob Hammerman, a sports enthusiast who attends Smashing Pumpkins concerts and shares his cluttered den with a giant Mickey Mouse doll. At 11:25 every evening, the Harvard Law School graduate opens a pint of Baskin Robbins ice cream and sits down to watch the sports segment on the Channel 2 evening news. About halfway through "Nightline," he reaches the bottom of the container and calls it a night.

At precisely 3:52 a.m., his alarm goes off, and he begins another day. He's at the courthouse by 5:30, when even the pigeons are still sleeping.

A lifelong member of Reform Har Sinai Congregation in Upper Park Heights, Judge Hammerman blows the shofar, or ram's horn, every Rosh Hashanah. For the past 25 years he also has blown the shofar during Ash Wednesday services at Immaculate Heart of Mary, a Catholic church in Towson.

Although he says he never set out to be a role model, Judge Hammerman takes pride in exemplifying certain character traits he holds dear:punctuality, diligence, honesty, respectfulness and generosity. As founder of the Lancers Boys Club in 1946, he has influenced more than 3,000 young men to strive for excellence.

A doting father figure to many current and former Lancers, he cheers them on at ballgames, follows their academic progress, and is always available for late-night phone calls when advice or encouragement is needed.

With his guidance, countless Lancers have attended prestigious colleges and professional schools and become outstanding business and community leaders. Baltimore Mayor Kurt L. Schmoke, state Del. Samuel I. "Sandy" Rosenberg and former Alex. Brown chairman Alvin "Buzzy" Krongard are Lancers alumni.

"I believe in discipline everywhere. Discipline is something we haven't enough of in our society," says the judge, who graduated Phi Beta Kappa from Johns Hopkins University in 1950.

"It isn't enough to do something that will simply pass muster, that is adequate," he tells his protégés. "You must do it to the very best of your ability."

In his first assignment, to the juvenile court, he took great pains to find something a young offender was interested in and "use that as a building block," he says. One boy, who had brought a loaded gun to school, loved football, but there were no organized teams in his Southwest Baltimore neighborhood.

The judge arranged for him to play with the Randallstown Rams, and made attending practices a condition of his probation. The youth became a star of the team, and then—with the judge's help—attended Baltimore Polytechnic Institute and went on to college.

DEMANDING, BUT FAIR

It's difficult to imagine a profession for which Judge Hammerman is better suited. As a judge, he can use his brilliant mind to serve mankind, but in a secure, controlled environment where he's very much in charge.

"It has allowed me to use the habits I believe in, in constructive ways," he says.

David Rosenberg, a litigation partner with the Washington, D.C., law firm of Wright, Robinson, Osthimer & Tatum, clerked for Judge Hammerman in 1985–86.

"He really influenced me and had a profound effect on my career," says Mr. Rosenberg. "I was always amazed. He never took the bench without looking at the file completely. And I was always struck by the fact that he let the lawyers have their say."

Even though the judge has been very demanding of his law clerks, they praise him for teaching them what it takes to be a successful lawyer.

"His demands were not so much that Robert I.H. Hammerman was an important person, but the people who went into that courtroom were important people," says state Del. Robert L. Frank of Reisterstown, who clerked for the judge in 1984–85. "In a society of me-first people, he has given far more than he'll ever get."

Judge Hammerman, who never married, lives in the same Park Heights apartment he shared with his mother, the late Belle Greenblatt Hammerman. Every item in the home has a history he's eager to share, and which he recalls in great detail.

He opens the glass doors of a secretary to reveal the complete works of Tolstoy, Hugo, Dickens and Hawthorne—classics he says his father, whose family could not afford to send him to college, devoured each night before retiring. Filed among the yellowed pages of those books are all of Judge Hammerman's school report cards.

In the same way that he recalls his happy childhood, Judge Hammerman looks back with pride on a stellar career as one of the city's most prominent public figures.

"I feel I have been very privileged, very fortunate, very lucky to have had this job," he says. "I have no regrets. None.

"And it's a good way to leave."•

REAUTHORIZATION OF THE ENVIRONMENTAL MANAGEMENT PROGRAM IN THE WATER RESOURCES DEVELOPMENT ACT OF 1998

• Mr. FEINGOLD. Mr. President, last night, the Senate passed the Water Resources Development Act of 1998. I wanted to voice my support for this bill. In particular, I appreciate the section that reauthorizes the Army Corps' Upper Mississippi River Environmental Management Program, known as EMP. I wish to commend the hard work of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Montana (Mr. BAUCUS) and their staff members,

Dan Delich and Jo Ellen Darcy, in order to complete a WRDA bill prior to the adjournment of the 105th Congress. I appreciate the time and attention they have paid to ensuring that EMP is reauthorized in this bill.

I also want to extend my sincere thanks to the Senior Senator from Missouri (Mr. BOND), who shepherded the EMP provisions through the Committee. I have enjoyed working with him on the reauthorization of this important program. He and his staff have worked along with me and my staff to make sure this section was well crafted and met the needs of the Upper Mississippi states and the Mississippi River environment. The manager's amendment makes the necessary changes to the Committee language to meet the needs of all interested parties.

From its inception, the EMP has been a program that enjoys bipartisan support. Initially conceived and sponsored in the House by my former colleague from Wisconsin (Mr. Gunderson) and the Congressman from Minnesota (Mr. OBERSTAR), the EMP was originally authorized in the Water Resources Act of 1986. At the same time, Congress designated the Upper Mississippi River "a nationally significant ecosystem and a nationally significant commercial navigation system."

Since its inception, the EMP has been a cooperative effort between the Corps, the Upper Mississippi states, conservationists, and commercial shipping and other economic interests. The program's purpose is to regain and protect significant areas of diverse, productive fish and wildlife habitat, to establish long-term resource monitoring which gauges dynamic changes and impacts of future developments, and to improve and assess recreational uses so vital in our nation's midsection. The EMP involves extensive federal-state planning, coordination, and cost-sharing.

I am pleased that this legislation will prevent termination of this program in 2001, as provided in the earlier authorizing legislation. This bill will ensure that necessary funding, and approved habitat rehabilitation and enhancement projects will continue. I also recognize, with a total ten year authorization of $350 million, that it is among the largest program authorizations contained in the bill.

I am very pleased that the collegial spirit surrounding work on EMP is also well-rooted on the House side. My colleague in the Wisconsin delegation (Representative KIND) is working with Representative OBERSTAR in steadfastly pursuing this reauthorization this year.

The manager's amendment reauthorizes EMP through 2009 at an increased total funding level of $33.5 million per year. It also makes some important changes to the program. It creates an independent technical advisory committee to review habitat projects and monitoring plans. It authorizes the Corps to complete a habitat and natural resource needs assessment of the Upper Mississippi Basin within three years of WRDA enactment. And, it provides Congress with another comprehensive assessment of the program, its projects and effectiveness, by 2005.

I believe these to be positive changes to the program. I look forward to the Conference on this matter, and I urge my colleagues in the other body to act quickly on this legislation.•

ANNIVERSARY OF IMPORTANT MILESTONES TOWARD ENDING NUCLEAR WEAPONS TESTING

• Mr. HARKIN. Mr. President, today I want to recognize the anniversaries of some important milestones along the road to ending nuclear weapons testing. This month marks some major steps we have taken toward an international ban on nuclear weapons tests, a cornerstone of our Nation's nuclear weapons non-proliferation policy. These anniversaries also remind us how much more remains to be done if we are to honor the vision of those who have worked to reduce the threat of nuclear war.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our Nation's agreement to the Limited Test Ban Treaty marked the end of our Nation's aboveground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding nuclear weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. "Hot Spots," where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The "Hot Spots" included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having received much higher exposure levels, especially those who were children at the time.

To put that in perspective, federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, about three times more than from the Chernobyl nuclear power plant disaster in the former Soviet Union.

It is all too clear that outlawing above-ground tests were in the interest of our Nation. I strongly believe that banning all nuclear tests is also in our interests.

October also marked some key steps the Comprehensive Test Ban Treaty or CTBT. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few year later, on September 24, 1996, a second step was taken—the Comprehensive Test Ban Treaty, or CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

Mr. President, a little more than a year ago, President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the United States Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will debate and vote on ratification of the Treaty, and continue the momentum toward the important goal of a worldwide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons.

It is especially important that the Senate act before the September 1999 deadline for ratification by 44 countries. If the United States fails to ratify the CTBT, then we will not have a voice in the special international conference which will negotiate how to accelerate the treaty into force. Yet, as a signatory, we will still be bound by its provisions.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its "zero-yield" prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The Treaty would also establish a far-reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll commissioned by

the Coalition to Reduce Nuclear dangers, nearly 50 percent of voters supported "eliminating nuclear weapons worldwide" and an additional third support "reducing the number of nuclear weapons worldwide". In addition, a 1997 poll by the Mellman Group for the Henry J. Stimson Center found that 69 percent of voters believe the goal of the United States should be to reduce or eliminate nuclear weapons.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the U.S. Senate to immediately ratify the CTBT. Our Nation's role as the world's only remaining superpower demands no less.•

AWARD OF EXCELLENCE FOR DR. LINDA ERWIN

• Mr. WYDEN. Mr. President, I rise today to recognize Dr. Linda Erwin of Portland, Oregon, for her career as both a gifted medical professional and as a tireless and dedicated educator. As one of the first healthcare professionals in the Pacific Northwest to recognize that gun violence is a public health issue, Dr. Erwin has just been awarded the National Crime Prevention Council's Ameritech Award of Excellence in Crime Prevention. She is one of only seven people throughout the Nation to receive this honor.

Dr. Erwin is currently the Assistant Director of Trauma Services at Legacy Emanuel Hospital, and it was through her experiences as a trauma surgeon that she first became aware of the need for increased education about violence—especially gun violence. Dr. Erwin has taken advantage of her position, education, and talents to reach beyond the trauma room to educate young people throughout the Pacific Northwest.

While working in England for two years, Dr. Erwin treated a total of two patients for gunshot wounds. Upon returning to Portland, she was struck by the high numbers of gunshot wound patients being treated each year at Emanuel Hospital. After speaking with victims and their families and friends, she realized that most young people did not recognize or understand the consequences of their risky behavior. Since then, Dr. Erwin has worked as a leading advocate for gun violence prevention, intervention and education.

One of the keys to Dr. Erwin's success has been her ability to create partnerships. Many of the programs that she has initiated bring together and combine the efforts of the medical, legal, law enforcement, and education communities as well as non-profit organizations and committed volunteers.

Dr. Erwin has successfully spread her message throughout the Portland community with such programs as "Save Our Youth," "Safe Schools Safe Lives," "Firearms as a Public Health Crisis" and "American Epidemic Programs." She has also lectured throughout the Pacific Northwest, taking her educational presentations to peer and youth groups throughout the states of Oregon, Washington, and Idaho.

Dr. Linda Erwin is an outstanding example of a professional who has given her time, resources, and knowledge to the community for the betterment of all. For these reasons, Dr. Erwin has received Ameritech's Award of Excellence in Crime Prevention. I would like to thank her on behalf of all those whose lives she lives she has touched.

NATIONAL FIRE PREVENTION WEEK

• Mr. SARBANES. Mr. President, this week the nation joins in marking National Fire Prevention Week, a time set aside not only to remember those who were injured and those who tragically lost their lives due to fire, but also to acknowledge the heroic efforts of those men and women who work so hard to prevent and protect us against such tragedies.

Every year, more than 5,000 Americans die in fires and another 25,000 sustain fire-related injuries. The majority of these fires, around 80%, occur in the home. Fortunately, many of these deaths and injuries can be prevented by simply planning ahead.

The most important function of National Fire Prevention Week is that of raising awareness about the dangers of fire and the relatively simple steps we can take to prevent fire-related tragedies.

The theme of this year's National Fire Prevention Week, "Fire Drills: The Great Escape," serves to encourage the public to practice and plan a home escape plan. This involves a number of steps and I want to touch on them briefly. According to officials at the United States Fire Administration (USFA), the first step in developing a home escape plan is the installation of smoke alarms on every floor. It is estimated that working smoke alarms can actually double your chances of survival in the event of fire.

Smoke alarms, though, are not the only element of a home escape plan. It is vital that every individual in a household knows and practices at least two escape routes from every room in that home. If confronted by a fire, one should first escape the burning house and then meet at a previously designated family meeting place outside of the home. Then, the fire department should be notified. Finally, by no means should anyone attempt to reenter a burning home.

Mr. President, I rise today in support of the theme of this year's National Fire Protection Week and to encourage the development of as many home escape plans as possible. The fact is that no one is immune to the dangers of fire, but if they develop a plan similar to the USFA's their chances of survival are significantly increased.

Today, on the anniversary of one of our nation's worst fires, the Great Chicago Fire of 1871, I want to commend the National Fire Protection Association for sponsoring National Fire Protection Week and to urge my colleagues and all citizens to pay careful attention to the theme and message of this year's National Fire Protection Week, so that we may continue to reduce such preventable losses.•

TRIBUTE TO JENNIFER WARDREP

• Mr. CLELAND. Mr. President, I rise today to pay tribute to Jennifer Wardrep, one of my finest employees who has worked for me, in one capacity or another, for five years. Jennifer came to work for my press office when I was the Secretary of State of Georgia. She had recently graduated from East Carolina University where she studied journalism and political science. Jennifer had a successful career in college, working for the student newspaper and rising to become its editor.

In the Secretary of State's office, Jennifer quickly won my respect and that of her coworkers for her hard work and writing skills. She spent many long nights working in the Georgia Capitol to make it possible for the people of Georgia to receive the news of State elections, the new Motor Voter laws and all of the important work handled by that office. Her dedication to me, and that office, is something for which I am deeply in her debt.

In December of 1995, Jennifer left the safety of her "good government job" for the exciting but temporary life of a political campaign. Once again, Jennifer came to work for me, on my longshot attempt to become a United States Senator. If there ever was a time when I needed a good press person, it was then. Jennifer was a huge part of a successful media campaign that let the voters of Georgia decide for themselves who was best suited to represent them in the U.S. Senate.

I remember one time in particular when we were traveling through South Georgia talking to several newspapers and many more voters. It was late in the campaign and we were all tired and ready for the election. Jennifer kept me on message as much as humanly possible and rewarded me with candy. This creative thinking is typical of Jennifer. As she and I will both affirm, it sometimes takes innovative approaches to confine me to one message.

I went to bed on election night not knowing for certain if I had won the race. Early the next morning, my

phone rang and woke me up. It was Jennifer and she said "Good morning, Senator." The people of Georgia had heard our message of hope and opportunity, several news organizations wanted to interview me and this was my wake-up call. Jennifer was the first person to call me "Senator." I will never forget that moment and I want to thank her very much for that.

After the election, I asked Jennifer to come to Washington with me where she became my Press Secretary. The tenacious media in Washington was no match for her. Although the southern hospitality of Atlanta was nothing like the rough and tumble of Washington, Jennifer's experience paid off. Jennifer quickly established good relationships with the media and helped me share with the people of Georgia the work we were doing on campaign finance reform, Georgia's defense operations and many, many more things.

Although I have said it many times, I truly believe that I have the best staff on Capitol Hill. And I truly believe I have the best Press Secretary on Capitol Hill as well. Jennifer has decided to move on to other things and I wish her the best of luck at whatever she does, although I doubt she will need it. Jennifer has served the people of Georgia well and served me extraordinarily well. Whether it was setting up press conferences, sending out news releases, writing PSA's, or recording Internet messages, Jennifer Wardrep is an irreplaceable part of my staff and will always be my "Tiger" in the press office.•

THE BUDGET SURPLUS

• Mr. KYL. Mr. President, September 30 marked the end of fiscal year 1998, and, for the first time since 1969, the news is written in black ink, not red. Although the final numbers will not be available for a few more weeks, it appears that the federal government will end the year with a unified budget surplus of about $70 billion.

Mr. President, this is truly a dramatic turnaround. After all, it was only three years ago that President Clinton submitted a budget plotting $200 billion deficits well into the next century. I recall that skeptics back then often derided a balanced budget as a risky idea, something that could even threaten Social Security. Now, however, the skeptics seem to concede what many of us have been saying all along—that a balanced budget is good for America and good for Social Security.

What does a balanced budget mean for hard-working Americans? For one thing, it means lower interest rates. The rate on a 30-year fixed-rate mortgage might be as high as 9.5 percent, instead of the current average of about 6.6 percent, had Washington continued to rack up deficits as large as those experienced in the early 1990s.

The savings from lower interest rates can be substantial. Just a one point drop on a $100,000 mortgage amounts to monthly savings of $67, or more than $24,000 over the 30-year term of a mortgage. We are talking here, not about just a one point drop, but rates that are two to three points lower than just a few years ago.

Lower interest rates on student loans make a college education more affordable for young people, and lower rates on car loans mean that hard-working men and women all around the country can stretch their budgets a little farther. A balanced budget literally means money in people's pockets.

The first thing we should do at the beginning of this new fiscal year is commit that we will maintain a balanced federal budget for the American people. We can certainly debate what to do with emerging budget surpluses, but there should be no longer be any debate that our national policy ought to be to keep the budget in balance.

Mr. President, now that the budget is finally in balance, we have the unique opportunity to consider other issues without the cloud of big deficits hanging overhead. For example, we ought to consider whether tax rates are at their optimal level, or whether they are too high. By definition, a budget surplus means that our government is collecting more than is necessary for current operations. People are paying simply paying more than they need to.

Perhaps, instead of keeping tax rates higher than they need to be, we ought to reduce income-tax rates across the board—for single people and married couples, people with children and those without, young people just getting a start and seniors trying to make ends meet on fixed incomes. It seems to me that every taxpaying American deserves a break.

We could also reduce taxes on savings and investment—lower the tax on capital gains and eliminate the death tax—two things that would help keep the already lengthy economic expansion from petering out. If we have learned anything from recent experience, it is that a strong economy, more than tax-rate increases or modest spending cuts, is what it takes to turn budget deficits into surpluses. The booming economy has been pouring billions of extra tax dollars into the Treasury. If we want that revenue flow to continue, we need to be sure that tax policy is conducive to sustained economic growth.

But the fact is, tax relief is not going to pass this year. President Clinton has already indicated he will veto the modest tax-relief bill approved by the House, and we do not have the votes to reach the two-thirds majority that it would take to override a veto. So discussion of tax relief is really academic this year.

Aside from tax relief, the surplus gives us a chance to pay down the national debt. Less federal borrowing frees up funds for businesses and consumers, and as I indicated earlier in my remarks, that has already led to lower interest rates. Further reductions in the debt would continue that virtuous cycle. Moreover, it seems to me that we have a moral obligation to relieve our children and grandchildren of some of the burden of paying off the debt that our generation has accrued.

Another option is to use the budget surplus for Social Security. We all recognize the huge costs that will be associated with getting back to what most people thought Social Security was supposed to be—a safe and secure account where their contributions could be deposited and where they could grow to produce a nest egg for retirement. Applying the budget surplus toward those transition costs will make it much easier to make the required changes and ensure that Social Security is there for our children and grandchildren.

And of course, the surplus we have in the unified federal budget really exists only as a result of the surplus that Social Security generates anyway. Take Social Security out of the calculation and the federal budget would show not a surplus of $70 billion, but a deficit somewhere in the range of $30 billion.

Mr. President, there is some merit in each of these ideas: tax relief, debt repayment, and Social Security reform. The problem is, before we can even begin the debate about which of these options is best, the budget surplus is being steadily frittered away.

Earlier this year, Congress, at the Clinton administration's behest, dipped into the surplus, spending about $6 billion on a variety of programs. Within the next day or two, action is expected on another Clinton request to draw down the surplus by at least another $14 billion—with not a dime going to Social Security. We are talking about the President's request to spend billions of dollars of the surplus on Bosnia, embassy security, farm aid, and the Year 2000 computer problem.

Of course, funding requirements for Bosnia and these other needs were certainly foreseeable and could have been accounted for when the President sent his budget to Congress eight months ago. After all, troops have been deployed in Bosnia since 1995, and last year, the President extended their deployment there indefinitely. The need to beef up embassy security was brought up months ago, and we have known about the Year 2000 computer problem for some time. None of these things should have come as a surprise to the White House or anyone else.

But by failing to account for them when he submitted his original budget in February, President Clinton was able to inflate spending on other programs and claim that his budget still fell within the constraints of last

year's budget agreement. Now, the President wants all of this declared emergency spending so that it does not have to be offset elsewhere in the budget. The reality is that he wants to raid the Social Security surplus to pay for these other things.

Many Americans will ask what happened to the pledge President Clinton made in his State of the Union Address earlier this year. That was when he looked the American people squarely in the eye and said:

> I propose that we reserve 100 percent of the surplus—that is every penny of any surplus—until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.

Eight months have passed, and the President has yet to send us any plan to protect Social Security. Worse yet, while publicly claiming to try to protect the surplus for Social Security, he has already been out drawing it down for other programs. The House-approved tax-relief bill that the President has criticized would use only $6.6 billion of the budget surplus for tax relief next year. That compares to the $20 billion or more of the surplus that the President wants to spend on other programs.

If it is wrong to use part of the surplus for tax relief, is it not wrong to spend at least three times as much on government programs? It seems to me that this is just another example of the President trying to have it both ways.

Mr. President, it is too bad we did not achieve any consensus about what to do with the budget surplus this year, because, by default, as of October 1, any surplus automatically went to reduce the national debt. If we are really serious about protecting Social Security, as to future surpluses, we should wall off the Social Security surplus so that it cannot be spent on other programs—not by the President, not by Congress.

The Senator from Texas, Senator GRAMM, has one idea about how to do that. As I understand it, funds would be invested in genuine assets, not just government IOUs, under the supervision of the Federal Reserve. The money would be off-limits to Congress and the President, and when Congress and the President agree on a plan to save Social Security, it could be put to use for the purpose for which it was collected.

In addition to protecting the Social Security surplus, in my opinion, we should provide broad-based tax relief to the American people with any other surplus. It is, after all, their hard work and their tax payments that have created the surplus we enjoy today. We ought to return any excess revenue to the people who earned it and paid it.●

THE PROCLAMATION OF SEPTEMBER 18, 1998 AS POW/MIA RECOGNITION DAY FOR THE STATE OF NEVADA

● Mr. REID. Mr. President, recently, Governor Miller of Nevada, in support of the National League of Families of American Prisoners and Missing in Southeast Asia, proclaimed September 18, 1998 as POW/MIA Recognition Day in the state of Nevada. I am pleased to declare before the Senate my strong support for this proclamation.

The proclamation reads as follows:

> Whereas today there are 2,118 Americans still missing and unaccounted for from Southeast Asia, including 3 from the State of Nevada, and their families, friends, and fellow veterans still endure uncertainty concerning their fate; and
>
> Whereas we as Americans believe that freedom is precious because it has been won and preserved for all at a very great cost; and
>
> Whereas few Americans can more fully appreciate the value of liberty and self-government than those Americans who were interned in enemy prison camps as POWs and those who remain missing in action; and
>
> Whereas the courage, commitment, and devotion to duty demonstrated by those servicemen and women who risked their lives for our sake has moved the hearts of all Nevadans; and
>
> Whereas, their dignity, faith, and valor reminds us of the allegiance we owe to our nation and its defenders as well as the compassion we owe to those families of the MIAs who daily demonstrate heroic courage and fortitude in the face of uncertainty;
>
> Now, therefore, I, Bob Miller, Governor of the State of Nevada, do hereby proclaim September 18, 1998, as POW/MIA Recognition Day.
>
> Mr. President, it is of paramount importance that we continue to demand a full accounting of our servicemen and women in foreign countries, in full respect and acknowledgment of their unremitting courage and dedication in placing their lives on the line as members of the United States Armed Forces.
>
> The importance of this issue cannot be overstated. The sacrifices of these brave men and women must never be forgotten, and we must continue to strive to account for every one of our missing service members. A full accounting of our missing Americans is absolutely essential, not only for our armed services personnel but for their families and our nation. Similarly, we must see that they, like all our other veterans, are forever recognized for the duty they performed so valiantly when our country needed them.
>
> It is with these convictions that I support this proclamation, establishing a Recognition Day for those who so fully deserve our reciprocal dedication.●

HONORING ALEXANDER C. SCHLEHR

● Mr. D'AMATO. Mr. President, I rise to pay tribute to the young men and women that served bravely in the United States military during WWI, and to one veteran in particular, Alexander C. Schlehr. Mr. Schlehr, of Buffalo, NY, is one of only 1,800 living veterans of this war. He courageously lived through the perils of European trench warfare and served his country honorably.

Due to his strong desire to assist his country in the war effort, Alexander enlisted in the army at the young age of 19. Immediately, he was incorporated into 59th Pioneer Infantry, later to be known as the Corps of Engineers. Even before Alex's infantry landed in France, the boat on which he was traveling was attacked by enemy torpedoes. Thus, he has experienced all aspects of warfare, both on the sea and in the trenches of France and in the Argonne forest. For his patriotic and heroic service, Schlehr has been awarded a WWI medal with three Battle Stars and is currently being reviewed for the French "Legion of Honor" medal. He is also considered a local hero. His service has been exalted in his local newspaper, the Amherst Bee, and has been recognized by local and top government officials, all of whom contacted him on his 100th birthday.

Yet, Alexander Schlehr's desire to serve his country did not end at the close of the war. When the war ended, Schlehr graciously helped in handling the personal belongings of discharged officers. He has raised four children, one of which has served the United States in wartime as well, and prospered as a successful business man. Furthermore, he has received numerous awards and recognitions denoting his sixty years of service in the American Legion and the Commandeers.

I feel it is my duty to recognize the outstanding service Alexander Schlehr has given to this country during his 101 years of life. He is an example for all Americans through his selfless and courageous actions. I thank him for his dedication to our country and wish him a Happy 102nd Birthday this coming spring.●

TRIBUTE TO SAM LACY

● Mr. SARBANES. Mr. President, it is a singular privilege for me to rise and acknowledge that this past summer Sam Lacy, one of the giants of American sports journalism, was inducted into the Baseball Hall of Fame in Cooperstown, New York on July 26. Sam Lacy, like Baltimore's great civil rights leaders Thurgood Marshall and Clarence Mitchell, Jr., was a pioneer in the great struggle to expand the participation of all Americans in our national life. The path he chose, however, was not the corridors of legal or political power, nor the streets and sidewalks of protest, but rather the silent and eloquent power of his pen.

His career in journalism, which spanned over 50 years, began in the throes of a segregated society which deprived talented athletes of color the right to give their best in the field of competition. Sam Lacy, using his gift of writing combined with a pleasant but persistent demeanor, helped to

break down these barriers thereby enriching immeasurably the quality and equality of our revered "National Pastime."

It is a tribute to the talent and determination of Sam Lacy and that of baseball pioneers Jackie Robinson and Larry Doby, and the essential fairness of our American spirit, that at age 94, Sam Lacy was recognized for his unique contribution to journalism and baseball. Mr. President, I am most pleased to take this opportunity to congratulate Sam Lacy personally for his induction into the Hall of Fame and for his distinguished and exceptional contribution to sports journalism. In honoring him, we also pay tribute to those great players of the past and present who have given so much to the sport of baseball.

I ask that several articles from the Baltimore Afro-American, which provided the forum for Sam's journalistic offerings, and the Baltimore Sun be printed in the RECORD.

The articles follow:

[From the Baltimore Sun, July 27, 1998]

DIVERSE PATHS CROSS AT HALL

PIONEERS DOBY, LACY SHARE DAIS WITH SUTTON ON INDUCTION DAY

(By Peter Schmuck)

COOPERSTOWN, N.Y.—They came from different places. Different backgrounds. Different eras.

Don Sutton, the son of a tenant farmer, won 324 games and was one of the most steady and consistent pitchers of his generation.

Larry Doby, the brilliant young Negro leagues outfielder who followed closely in the footsteps of Jackie Robinson, hit 253 major-league home runs, but is better known as the first black player in the American League.

Sam Lacy, the sports editor and columnist for the Baltimore Afro-American these past 54 years, crusaded for the inclusion of black players in the major leagues and, yesterday, was included in the large class that was inducted into Baseball's Hall of Fame.

The Class of '98 also included longtime baseball executive Lee MacPhail, turn-of-the-century star George Davis, Negro leagues pitcher Joe Rogan and Spanish-language broadcaster Jaime Jarrin, all of them honored during an emotional 1½-hour induction ceremony on the lawn of the Clark Sports Center on the outskirts of Cooperstown.

It was Sutton who tugged hardest on the heartstrings of the estimated crowd of 6,000 with an elegant 20-minute acceptance speech that traced his career from the uncut baseball fields of the rural South to the stage where he stood in front of 33 past Hall of Fame inductees to see his plaque unveiled.

"I've wanted this for over 40 years," he said, "so why am I standing here shaking like a leaf? Probably because I'm standing in front of these wonderful artists of our game. If you can't feel the aura when you walk through the Hall of Fame, check tomorrow's obituary column . . . because you're in it."

Sutton thanked his father for the work ethic that carried him through 23 major-league seasons. He lovingly acknowledged his late mother, Lillian, his wife, Mary, and his children.

He thanked Hall of Fame teammates Sandy Koufax and the late Don Drysdale, who inadvertently ushered him into the major leagues with their dual contract holdout in 1966, then guided him through his first season. He thanked the late Dodgers manager Walter Alston, who took a chance on him in his youth, and former Angels manager Gene Mauch, who stuck with him in the latter stages of his career.

But he saved the most credit for his eventual Hall of Fame induction for longtime Dodgers pitching coach Red Adams, who fashioned him into the durable and skillful pitcher who would win 15 or more games 12 times and finish his career ranked fifth all-time with 3,574 strikeouts.

"No person ever meant more to my career than Red Adams," Sutton said. "Without him, I would not be standing in Cooperstown today."

There weren't a lot of dry eyes when Sutton finally pointed out his 20-month-old daughter Jacqueline, who was born 16 weeks premature and given little chance to survive, and credited her with bringing his life and career into perspective.

"Thanks, little girl, for sticking around to be part of this. You make it perfect," said Sutton, 53. "I'm a very blessed man. I have my health. I'm part of a family that I love to be a part of. I've had a dream come true that is a validation of what my father taught me a long time ago. You can have a dream and if you're willing to work for it, it can come true. With apologies to Lou Gehrig, I'm the luckiest man on the face of the earth. I have everything in life I ever wanted."

The makeup of the group of honorees clearly reflected the great progress that baseball—and society—has made during the half-century since Robinson broke through baseball's color barrier in 1947.

Doby would soon join Robinson in the major leagues, helping fulfill the dream that Lacy had articulated in countless newspaper columns in the 1930s and early 1940s—a dream that sill seemed very distant when Rogan ended his playing career in 1938. Jarrin would forge a link to the Latino community in Los Angeles a decade later and emerge as the voice of baseball to millions of Hispanic baseball fans in the United States and Latin America.

Lacy, 94, gave the crowd a start when he stumbled and fell on his way to the podium, but he collected himself and delivered a poignant, humorous speech that included a call to more fully acknowledge the history and contributions of the black press.

"I hope that my presence here . . . will impress on the American public that the Negro press has a role that is recognized and honored," Lacy said.

Doby also gave a stirring acceptance speech, recounting a career that began with the four years he spent with the Newark Eagles of the Negro leagues and took a historic turn when Cleveland Indians owner Bill Veeck purchased his contract and brought him right to the majors on July 5, 1947.

"Everything I have and my family has got has come from baseball," he said. "If someone had told me 50 years ago that I would be here today, I would not have believed it."

Pressed later for details of indignities he suffered as one of the pioneer black players, he responded without rancor or bitterness.

"It's a tough thing to look back and think about things that were probably negative," said Doby. "You put those things on the back burner. You're proud to have played a part in the integration of baseball. I feel this is the proof that we all can work together, live together and be successful together."

[From the Baltimore Afro-American, Aug. 1, 1998]

LACY: A MAN WHO STANDS FOR SOMETHING AND FALLS FOR NOTHING

(By Tony White)

There's an old saying that goes: "If you don't stand for something, you'll fall for anything." Sam Lacy has literally made a career out of taking stands.

Over the course of his writing career that spans seven decades, Mr. Lacy has taken one stand after another. Some were popular, others met staunch opposition. As a tribute to an historic stand he took against baseball's segregated major leagues almost 60 years ago, Mr. Lacy stood at the podium in Cooperstown, N.Y., July 26, where he was officially inducted to the Baseball Hall of Fame.

As the 49th recipient of the J.G. Taylor Spink Award, a picture of Mr. Lacy will hang in the baseball writers' wing of the Baseball Hall of Fame Museum but the picture would have to speak more than a thousand words to tell his story.

Mr. Lacy has garnered a reputation as a writer of integrity and principle, willing to make a sacrifice for another's cause. Even as he accepted the Spink Award, his mind was on the family members, numerous friends and supporters who had made the trip to upstate New York, to witness his moment of glory. In his acceptance speech, the 94-year-old deflected attention from himself toward the Black press.

"It was a very pleasant experience because of the recognition it gave the Black press," said Mr. Lacy. "The response I got from friends was tremendous. There were about 50–60 people who were in Cooperstown last weekend, who would not have been there otherwise."

Along with late Pittsburgh Courier writer Wendell Smith, Mr. Lacy is credited with facilitating the integration of the league that showcased America's favorite pass-time. Mr. Smith, however, joined in a fight that Mr. Lacy had picked with the majors late in the 1930s. Feisty and unabashed, the Washington D.C. native began a writing campaign that drew the nation's attention to the separatism practiced in the league, which earned him significant sayso when the time came for skin color to take a back seat to talent.

A decade after Mr. Lacy had written his first column criticizing the segregated majors, Jackie Robinson took the field as a Brooklyn Dodger. Though now highly acclaimed, the break through was not painless for Mr. Lacy.

The suggestion of integration coupled with the agitation of Mr. Lacy's writing, drew the ire of White baseball club owners. When he approached Washington Nationals' owner Clark Griffith about hiring Black players for his team, the club executive told Mr. Lacy integrating the majors would kill the institution of Negro Baseball.

"I told him Negro Baseball may have been an institution but it was also a symbol of segregation. The sacrifice would be worth it," said Mr. Lacy.

That position was less than popular with Black baseball club owners. Mr. Lacy, as usual held his ground but things didn't get any easier. The selection of Mr. Robinson as the first Black player to compete in the major leagues was not based totally upon skill. Mr. Lacy, Mr. Smith and Brooklyn Dodgers owner Branch Rickey knew the player chosen would have to be composed enough to endure the racist flack that would be heaped upon him.

Fittingly, Larry Body, a player whom Mr. Lacy had also considered along with Mr.

Robinson, was also inducted during Sunday's ceremony. Mr. Doby was the first Black to play in the American League. He acknowledged the significance of following Mr. Robinson into the big leagues.

"We proved that Black and Whites could work together, play together, live together and be successful," said Mr. Doby, who played for the Newark Eagles of the Negro Leagues.

There were other Negro League players who felt they should have been chosen before Mr. Robinson and Mr. Doby. Pitching sensation Satchel Paige, slugger Josh "The Big Man" Gibson, Buck Leonard, who was known as the "Black Lou Gehrig", Oscar Charleston and Sam Bankhead were some of the players many felt should have been moved up first.

Lacy stood his ground.

As Mr. Robinson and Mr. Doby began to experience success in the majors, Negro League attendance begin to fall off. Some players and club owners blamed Mr. Lacy for their misfortune.

Meanwhile, Mr. Doby, Mr. Robinson and Mr. Lacy caught hell in the White baseball world. Fans jeered Mr. Robinson and Mr. Doby and players tried to injure them. Lacy was barred from press boxes and they all were barred from fields in certain states. With criticism coming from White and Black quarters and players, Lacy was catching it from all directions.

The stand he took on behalf of Black inclusion in major league baseball, was misunderstood and had turned some his fellow African Americans bitterly against him.

"They were a little resentful. They saw the deterioration of their (Negro League) attendance. Black newspapers were easing off coverage of the Negro Leagues and the (Black) stars in the majors were getting the press," said Mr. Lacy.

"At the time you had to wonder why they would be jealous of their former teammates. If they (Robinson and Doby) go up and are successful, why couldn't they (other Negro League players) just follow them?"

At Sunday's induction ceremony, Mr. Lacy took a tumble on the way to the podium, then in classic fashion, rose to the occasion to make a poignant speech. Those gathered showed they understood and appreciated Mr. Lacy's stand for multicultural baseball. They gave him one standing ovation, then stood and gave him another.

HALL OF FAME LACY

There seems to be no end to the forms of recognitions being conveyed upon Sam Lacy, our illustrious sports editor. There is, however, no denying that his recent induction into the Baseball Hall of Fame at Cooperstown, N.Y. must rank among Mr. Lacy's highest honors.

There have been many expressions of adoration used to described Mr. Lacy's invaluable contributions to baseball and sports. The one which seems most often repeated relates to Mr. Lacy's persistance in reminding major league baseball of the atrocity it was committing by continuously excluding African-American athletes.

There seem to be a fair number of African Americans who have been enshrined at the Hall of Fame in Cooperstown. Most of them participated in baseball well after Mr. Lacy's efforts helped break down the barriers to Jackie Robinson being admitted into the 'big leagues.'

The importance of Mr. Lacy's contribution has not diminished one bit as demonstrated in Cooperstown last weekend, when the 'ole timers' all stepped back to give Mr. Lacy his long overdue recognition. For a brief moment, everyone remembered what it was like in the old days and in the process applauded Mr. Lacy's contribution to making it better.

A bigger job now appears to loom in getting the current major league stars to remember that their arrival in the bright lights of today's big leagues is due to the efforts of the 'ole guard,' which now forever includes our Sam Lacy.•

TRIBUTE TO FONTBONNE COLLEGE ON ITS 75TH ANNIVERSARY

• Mr. BOND. Mr. President, I rise today to pay tribute to Fontbonne College in St. Louis, Missouri. On October 15, 1998, Fontbonne College will celebrate its 75th anniversary.

Fontbonne has served more than 10,000 graduates in pursuit of academic excellence. As Fontbonne moves toward the 21st century, it is looking to continue the ministry of higher education begun by the sisters of St. Joseph of Carondelet.

Fontbonne's history goes back to seventeenth century France, the beginning of the Sisters of St. Joseph. In LePuy, France in 1647, six women under the direction of Jesuit priest Father Jean Pierre Medaille were brought together to dedicate their lives to the spiritual and material needs of the people. The order was publicly recognized as the Sisters of St. Joseph on October 15, 1650.

Around 1778, Jeanne Fontbonne entered the congregation, received the name of Sister St. John Fontbonne, and later became the Mother Superior at Monistrol. With the violence of the French Revolution, the sisters were forced to disband. Several were imprisoned and executed. After the death of Robespierre, the day before Mother St. John was to be executed, she was released and asked to reform the congregation. In 1807, 12 women celebrated the rebirth of the Sisters of St. Joseph.

Bishop Joseph Rosati of St. Louis asked Mother St. John to send sisters to the area to teach the deaf. Six sisters set sail for America and established its current home in Carondelet, on the southern border of St. Louis. A log cabin built on a bluff overlooking the Mississippi River became the "cradle of the congregation of the Sisters of St. Joseph of Carondelet."

The sisters opened a day school in the area, a school for deaf and a girl's high school. With these successes, the sisters discussed a new twentieth century idea—higher education of women.

Fontbonne College was chartered on April 17, 1917, but the entrance of the United States in World War I in that year precluded the beginning of classes. Construction at the Clayton location started in 1924. The first Fontbonne class began in 1923 at St. Joseph's Academy. New buildings were ready for the fall term of 1925. On June 18, 1927, Fontbonne conferred its first bachelor of arts degree on eight women.

Since its beginnings in 1923, Fontbonne has changed with and been ahead of the times, but has also kept its identity. Fontbonne admitted African American students in 1947, eight years before the Supreme Court's school desegregation decision. Male students were admitted in selective majors in 1971, then in 1974 all classes were opened to men and women. In the 1980s, Fontbonne created degree programs with flexible scheduling to meet the needs of working students. Now Fontbonne has its first male president.

Today Fontbonne is deeply rooted in the tradition and values—quality, respect, diversity, community, justice, service, faith and Catholic presence—of the Sisters of St. Joseph of Carondelet.

I commend Fontbonne College staff and students for their dedication and perseverance throughout the college's many years of existence and hope they continue to enrich the St. Louis community for years to come.•

INTERNET TAX FREEDOM ACT

• Mr. CLELAND. Mr. President, the Internet, as an growing form of communication, commerce, and information exchange, is a powerful medium for all who are able to take advantage of the opportunities it presents. The initial version of S. 442, the Internet Tax Freedom Act, would, in my opinion, have provided this already powerful tool with even more competitive advantages. Frankly, I believed that the original version was too one-sided in aiding Internet-based businesses at the expense of other interests. However, I was very pleased with the willingness of the authors of this bill to address the concerns raised by state and local governments as well as "Main Street" business owners in such a way that I was able to support the final bill.

The final version of S. 442 contains several positive features. Among those is the inclusion of the Hutchinson amendment, which will allow the Commission created by S. 442 to examine the impact of all types of remote sales. Every year states lose billions of dollars in revenue from remote sales, most recently via the Internet but also in catalog sales. The Hutchinson amendment, which is faithful to the recommendation of the Finance Committee, makes a proper and relevant expansion of the mandate of the Commission.

Not all states and municipalities have imposed taxes on the Internet. However, those that have should not have their Constitutional right to impose these taxes stripped away by Congress. The grandfathering of existing taxes on electronic commerce contained in the final version of S. 442, is consistent with our federalist system and balances the needs of interstate commerce with the proper role of states and municipalities.

Although these and other positive provisions in S. 442 allowed me to support the overall bill, I am hopeful that the initial concerns I had with S. 442 will not arise again when the three year moratorium established by the bill expires. The purpose of this temporary moratorium is to allow government and industry representatives time to work together to decide the rules for electronic commerce. However, S. 442 offers no guarantee that the moratorium will not be extended after the three year period. I supported Senator GRAHAM's amendment that would have required a super majority to extend the moratorium, but unfortunately, it was defeated.

There is a precedent of another "temporary" moratorium that never expired. In 1959, Congress enacted Public Law 86–272, which limited state corporate income tax collection on out-of-state corporations. Like the goal of the Commission created by S. 442, a moratorium was imposed to try to negotiate a uniform standard with regard to the tax treatment of out-of-state corporations. The results of P.L. 86–272 was an increase in litigation and a decrease in state and local tax revenue. This precedent explains state and local leaders' skepticism about a temporary Internet tax moratorium. It is my hope that when the three year moratorium expires, Congress will not extend the moratorium. The experience of P.L. 86–272 does not need to be repeated.

I fear that a continuation of the moratorium would tilt the scales heavily in favor electronic commerce at the expense of local "Main Street" businesses. Internet sales should not receive any privileges that are not available to other forms of commerce. Business competitors of Internet-based firms should not have to experience such legalized discrimination.

Although the use of computers will certainly continue to grow, there will always be consumers who will not have access to the Internet. If attempts are made to extend the three year moratorium, Congress will, in effect, be offering a tax break to those who can afford a computer and Internet access to the detriment of those who cannot.

I wanted to take this opportunity to applaud the efforts that have been made to address this rapidly emerging form of trade, and I believe that the compromise version of S. 442 is an appropriate balance that will give the Commission time to make a recommendation while not greatly interfering with interstate commerce. However, I urge caution by my colleagues, when we revisit this issue in three years, that in our zeal to encourage the growth of the Internet and all the promise it offers we should not compromise the needs of our states, cities, towns, and local merchants. I pledge my efforts to achieve that goal.•

AUTO CHOICE REFORM ACT

• Mr. SHELBY. Mr. President, while I know that the Senate will not take up consideration of S. 625, The Auto Choice Reform Act of 1997, during the 105th Congress, I wanted to put my views regarding this legislation on the record.

S. 625 creates a federally mandated two-tracked automobile insurance system under which car owners would have the option to enroll in a "personal protection system" or the traditional "tort maintenance system." Those who select the personal protection system are promised "prompt recovery" of economic loss, regardless of fault. However, they forfeit the right to recover damages for pain and suffering while being exempted from liability for such damages themselves.

I have some strong concerns regarding this type of so-called "reform" legislation.

First and foremost, I believe that the argument that "Auto Choice" will reduce insurance premiums is unfounded. Over the last few years, the numerous states that have adopted no-fault insurance programs similar to those in this legislation have had the highest premiums in the country. In fact, in 1995, 6 out of the 10 states with the highest average liability premiums were no-fault systems. In light of the failure of auto choice to lower premium costs, I cannot understand why we are seeking to put such a system into place across the country.

I am also greatly troubled by the fact that this bill involves an attempt by the federal government to impose a one-size-fits-all solution on the states. While I recognize that some reforms are necessary, I do not believe that federalizing our tort system, is, or should be the solution.

For more than 200 years, states have had the power to develop and refine their own tort systems. Supreme Court Justice Powell wisely observed: "Our 50 states have developed a complicated and effective system of tort laws and where there have been problems, the states have acted to fix those problems." Mr. President, federally directed reform efforts such as those contained in S. 625 detract from the states' abilities to fashion their own initiatives and deny them the opportunity to provide solutions to meet their own particularized needs.

Furthermore, I am troubled by the fact that this bill allows people to waive their right to recover for non-economic damages. Mr. President, such a provision could lead to a lifetime of pain and suffering for those who suffer massive injury in a car accident. In fact, that possibility is so high, no state, not one, allows its citizens to choose to waive their right of recovery for pain and suffering.

Consider the fact that in all likelihood people would "choose" to waive these rights when they are sitting in their den, filling out their insurance forms. Mr. President, I would argue that the timing of such a choice precludes the possibility of informed consent on the part of the consumer. No one can predict the future, people cannot say whether they will need to pursue recovery for some accident. I predict that, many of those who so choose will one day find that they guessed wrong. Mr. President, checking off a box on a form could forever cost someone the ability to seek damages for loss of a limb, blindness, loss of a child or permanent disfigurement. This legislation does not provide a choice, it opens people up to take an unnecessary chance.

This legislation contains another flaw in that it does not fully protect the rights of those who choose traditional tort protection. Someone who chooses tort law coverage can only seek complete access to the courts if the at-fault driver has also selected traditional tort law coverage. Thus, a victim in an accident has to hope to be lucky enough that the person that hits him has selected the "right" type of coverage. Again, what appear to be "choices" in this bill are in effect risky chances.

Mr. President, if we revisit this issue in the future, I believe we must closely consider these factors. Ultimately, we must also note that we cannot advance reform without taking our federal system into consideration. What is right in Alabama, may not be proper for California, or North Dakota or Connecticut. States must play the preeminent role in setting the course for tort law reform. Common sense demands it, our legal traditions demand it, and our Constitution demands it.•

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT

• Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DEWINE in his introduction of the Strengthening Abuse and Neglect Courts Act. I would like to thank Mr. DEWINE of this leadership on this bill, another example of his ongoing commitment to our Nation's most vulnerable children and families. I would also like to thank my good friends Ms. LANDRIEU and Mr. CHAFEE for their support of and input on this legislation.

Last year at this time, Congress passed and President Clinton signed into law the Adoption and Safe Families Act, the most sweeping piece of child welfare legislation in more than two decades. For the first time, this law establishes that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the abuse and neglect system. The law promotes stability and permanence for abused and neglected children by requiring timely

decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes. More specifically, the law requires a State to move to terminate the parental right of any parent whose child has been in foster care for 15 out of the last 22 months. While essential to protect children, these accelerated time lines increase the pressure on the Nation's already overburdened abuse and neglect courts.

Our courts play a vital role in the Nation's abuse and neglect system. Through my discussions with judges in my state of West Virginia and across the country, I have learned that abuse and neglect judges make some of the most difficult decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations are not made without careful and sometimes painful deliberation. Despite the courts' commitment to the fair and efficient administration of justice in these cases, staggering increases in the number of children in the abuse and neglect system, have placed a tremendous burden on our abuse and neglect courts.

Many abuse and neglect courts have found creative and effective new ways to eliminate their backlogs and move children more efficiently and safely through the court system. In West Virginia, Supreme Court Justice Margaret Workman and a dedicated group of judges and attorneys have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinnati, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

The purpose of the Strengthening Abuse and Neglect Courts Act is to help remove the burdens on an even greater number of abuse and neglect courts by increasing their administrative efficiency and effectiveness. The bill establishes a program which will provide grants to state and local courts for the creation and implementation of computerized casetracking systems, similar to the one that has seen such incredible success in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. Such easy-to-access information will allow courts to move children more quickly and efficiently through the foster care system and into adoptive homes and other permanent placements. This grant program will also enable state and local courts to design and use similar computer systems and to allow for the replication of similar models in other jurisdictions. The technical assistance provision in this bill provides additional funds to aid these courts in the design and implementation of their new computer programs.

Throughout the debate on the Adoption and Safe Families Act, we heard from dozens of judges who said that the biggest problems facing their courts was the overwhelming backlog of abuse and neglect cases. Without creative ways to eliminate such backlogs, the judges argued, new cases will never move smoothly through the court system. That is why this bill also authorizes a grant program to provide State courts with the funds they need to eliminate current backlogs once and for all. For some courts, that might involve the temporary hiring of an additional judge, a temporary extension of court hours, or restructuring the duties of court personnel. This program will provide grants to those court projects that will result in the effective and rapid elimination of current backlogs to smooth the way for a more efficient courts in the future.

The Strengthening the Abuse and Neglect Courts also recognizes the need to improve training, continuing education opportunities, and model practice standards for judges, attorneys and other court personnel who work in the abuse and neglect courts. More specifically, the bill requires that abuse and neglect agencies design and encourage the implementation of "best practice" standards for those attorneys representing the agencies in abuse and neglect cases. The Act also extends the federal reimbursement for training currently provided to agency representatives to judges, court personnel, law enforcement representatives, guardians-ad-litem, and the other attorneys who practice in abuse and neglect proceedings. For the first time, such reimbursement would help fund specialized cross-trainings between agency and court personnel and trainings that focus on vital subjects such as new research on child development.

In addition to the judges, guardians-ad-litem and attorneys in the abuse and neglect courts, volunteers for the Court-Appointed Special Advocate (CASA) Program also play a key role in helping abused and neglected children in the court system. CASA volunteers are the eyes and the ears of the courts, spending time with abused and neglected children, interviewing the adults involved in their lives, and helping to give judges a better understanding of the needs of each individual child. Despite the incredible success of the CASA programs, thousands of abused and neglected children do not have the benefit of CASA representation. The Strengthening Abuse and Neglect Courts Act provides CASA with a $5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers in already existing programs.

When we talk about child welfare in this country, abuse and neglect courts are too often left out of the discussion. This is an unacceptable mistake, since our courts play a central role in the well-being of our nation's abused and neglected children. I am confident that the Strengthening Abuse and Neglect Courts Act will be valuable first step in making these courts stronger and more efficient than ever, and I ask my colleagues to join us in this important effort.•

RECOGNITION OF MS. VERONICA CALVILLO

• Mr. GORTON. Mr. President, I speak today in recognition of a young woman from my home state of Washington, Ms. Veronica Calvillo. Ms. Calvillo, a sophomore at Seattle University, is the recipient of a scholarship from the Hispanic College Fund. While I did not have the good fortune of attending the recent awards dinner at which Ms. Calvillo spoke, I have heard from many who did attend that she made a remarkable impression. After reading the remarks she made at that dinner, I can certainly understand why. Through her remarks, Ms. Calvillo shows herself to be an intelligent, mature and centered young woman. Ms. Calvillo and her family are truly an example of what is best about America. I ask that Ms. Calvillo's remarks be printed in the CONGRESSIONAL RECORD.

The remarks follow.

REMARKS BY VERONICA CALVILLO

[Veronica Calvillo is a sophomore majoring in business and engineering at Seattle University]

Good Evening, I am very honored to have been selected as a scholarship recipient by the Hispanic College Fund. I am especially pleased to have been asked to speak on behalf of this year's scholarship recipients.

I wish to begin by thanking American Airlines for making it possible for ten of us to travel from various parts of the country to be here tonight. I also wish to express my gratitude and appreciation to all the individuals and companies, in particular Eddie Bauer, for making our scholarships possible. This support will enable me and the other recipients to begin or continue our pursuit of a higher education.

This evening, I would like to share with you my story, a little piece of history about who I am and why it means so much to me that I am here standing on this podium as a scholarship recipient. The best place for me to begin is by telling you what I do almost every weekend.

Every weekend when I drive to the city where I grew up, I feel like the most privileged Hispanic on the planet. Why do I feel this way? Well, every weekend I am able to witness two individuals that optimize Hispanic Business Leadership and I am able to learn from them firsthand. You are probably wondering who these people are. The two Hispanic leaders have no education, not even elementary education, and they live in a low-income neighborhood—they are my parents, Angel and Lupe Calvillo are their

names, and in my opinion they are the two most successful Hispanic business leaders. I base this opinion on the description of what I believe "Hispanic Business Leadership" is. I believe that a Hispanic leader in business should have the characteristics that are common in the mother and father family figures in Hispanic families. I believe this because running a business is like managing a big family, where the children are the employees and you are there to manage them into becoming successful individuals for their benefit as well as the family, which is a sort of business. My parents were extremely successful in managing their children, or their "employees," into becoming successful individuals. How, you may ask? First of all, I don't think many could argue that Hispanic parents, with their strict and religious way of raising their families, are the most successful at running any kind of family. This is why many Hispanic businesses that are family owned, for instance the explosion of family restaurants, are so successful. The Hispanic businesses are managed with the same leadership skills that my parents had as they were raising their children. The skills my parents embody and that they taught me, in preparation for becoming successful, are summed up in three words; integrity, dignity and faith. Integrity—doing what you say you're going to do, Dignity—meaning your daily actions should bring honor and humility, and Faith—having loyalty to God's teachings and confidence in God's plan for you. Three characteristics needed to be a successful business leader in any community, whether it be Hispanic or not.

My parent's climb to success with their own family happened because they are living every day those three characteristics they taught my brothers, sisters and me.

My parents came to America in 1963 with hopes of a better future for themselves and their children. They have no education whatsoever and to this day, many years later, barely utter the English language. They were migrant workers in California and Washington. My older siblings vividly remember their childhood when they, too, had to work in the fields, alongside my parents. When my parents first arrived in America, they made a pact with each other that the life they lived was not going to be the destiny of their children. They had arrived in the "land of opportunity," and they would do anything to give their children the best education available to them.

This is exactly what they did. My Dad eventually obtained a job as a welder and my Mom as a motel housekeeper. Although together they averaged a meager income, they were able to send all five of my siblings and me to private schools. I know this seems unimaginably hard to do, but my family succeeded because of my parents' immense faith in God, family, and in this country. My siblings and I obtained jobs at young ages so we could help out financially; we understood and accepted why we couldn't go see a movie on weekends, or why in winter we would double layer our clothes and sleep with our jackets on. Yes, we were poor, but I never really knew my family was poor until I went to Bellarmine Prep. High School and visited my friends elegant homes and saw how they lived. However, I still never felt the negative associations that are usually paired with being poor. I was happy, because God gave me more blessings than money could ever give me. God gave me two extraordinary parents who instilled Christian morals in their children and taught us how to live with integrity and dignity in the eyes of God. Because God is guiding my family, He made our experiences make my family strong and united—truly engulfed in love for one another.

My parents worked hard, harder than any human being should ever have to. They have gone without, so that we wouldn't . . . the most unselfish human act possible . . . and this is why under all my extreme circumstances I prevail. Looking at my father's leathered hands alone send me soaring. Now it is my turn to help them. I have responsibilities after school that few others have. I must fill out forms, pay bills, send letters, read letters, make phone calls for appointments, go to appointments to translate and much more. I do all of this for my parents because they do not speak English, read or write. Sometimes, I feel like I am the parent. It is frustrating at times when I have a test to study for, but can't because I have to translate for my parents somewhere, at some meeting, or appointment, etc. However, I do it because I love them and like I mentioned before, I know their hands are thick and knotted because of the lifetime of work they have done for their children. This is why I am going to college—to further my education and make myself and my parents proud. I have concluded that all of my parents' dreams and hopes live in their children. When we succeed, they have succeeded.

My parents' hard work and the values they instilled in us started to pay-off with my eldest sister—Lorena. She was the first person in my family to even attempt to go to college. She left my parents' home with just her clothes and my parents' blessing. She eventually graduated from Seattle University. I will never forget how my parents felt when they heard my sister's name called out at the graduation. They cried and my Dad cheered wildly, this is something he rarely does. It had been a struggle for her, but finally a Calvillo made it. My sister also set an example for the rest of the family. My twenty-one year old brother is in his second year at Seattle University, my first cousin, Aida Calvillo (whom worked alongside my sister, Lorena, in the fields with her parents), in 1996 graduated from the University of Washington medical school, and the list continues as more Calvillos are graduating from college. This is my second week attending Seattle University and I am relishing every moment of it.

My sister utilized her education for others, and preached to her younger siblings the importance of a higher education. She told me my junior year of high school, as I was contemplating college, "Veronica, you can't determine what you are born into, but you can determine what you will become with the leadership skills our parents gave us." I took her advice and have kept, and will keep, moving forward until I become what I have determined I will become: a successful Hispanic business leader.

With the help of the Hispanic College Fund Board of Trustees and the generous financial support of Eddie Bauer, I am on my way.

Once again, thank you and good evening.•

WHITE HOUSE'S CEREMONY HONORING EIGHT NEW YORK CITY POLICE OFFICERS FOR BEING AMONG THE NATION'S TOP COPS

• Mr. MOYNIHAN. Mr. President, today this nation takes time to honor the deeds of some of our bravest public servants, the men and women who make up this country's federal, state, and local law enforcement agencies and departments. These officers are the guardians of our safety, the protectors of our hearths and homes. Often in harm's way, they are the ever-vigilant heroes of our communities, towns and cities.

These words particularly ring true when they are applied to the eight New York City Police Department officers who are among those honored here today. In July 1997, Officers Joseph Dolan, Michael Keenan, David Marinez, Mario Zorovic, Sergeant John English, Jr., Lieutenant Owen McCaffrey, Deputy Inspector Raymond McDermott, and Captain Ralph Pascullo prevented two men from attempting to blow up a portion of New York City's subway system with homemade pipe bombs.

These eight officers spearheaded a team that entered the apartment where these two men lived. Once inside, the officers disabled these men and recovered four unexploded pipe bombs. Their bravery and professionalism undoubtedly saved countless lives and prevented a bloody catastrophs.

I am extremely proud of these men and take great pride in calling them New York City's finest.•

COMMENDING JUDY LEWIS

• Mr. COCHRAN. Mr. President, I bring to the Senate's attention that October 16 is World Food Day. As the largest international food aid organization in the world, the United Nations World Food Program feeds 52.9 million people in 84 countries and deserves special recognition.

Millions of people have survived civil unrest, famine and other disasters because of a project called Food-for-Life which makes emergency operations the primary focus of the World Food Program. Other projects include Food-for-Work which uses food as a tool to encourage people to work within their communities in order to become self reliant and Food-for-Growth which distributes food aid at schools, clinics and hospitals to help children and pregnant women.

I am proud to say that Judy Lewis, a native of Scott County, Mississippi, and past Director of Organization of my 1978 campaign staff, has been named the World Food Program's Country Director for Ethiopia. Since 1992, Ms. Lewis has many times endured dangerous conditions to participate first-hand in helping to bring food to starving people whose lives were threatened by natural disasters or armed conflicts. She has played a key role in many of the World Food Program's biggest emergency and development projects around the world in places like Kenya, Rwanda, Tanzania, and Somalia. As Country Director for Ethiopia, Ms. Lewis will be managing a

$30 million emergency and development operation aiming to help over 800,000 people, focusing on refugees, famine relief and urban poverty.

I commend Ms. Lewis for her strength and diligence. And I congratulate the World Food Program for all of its good work.•

$RENO_X$ '98

• Mr. REID. Mr. President, I am pleased to announce today the release of findings from an important environmental conference held in my home State this summer. $RENO_X$ '98 gathered together experts from across the country to focus on the issue of oxides of nitrogen (NO_X) pollution. NO_X is a hazardous pollutant that is produced primarily by internal combustion engines and power generation boilers and furnaces.

In 1996, more than 23 million tons of NO_X were released into the atmosphere in the U.S. alone. NO_X is a key component in the formation of ground-level ozone and urban smog. The health effects of ground-level ozone are well-documented. It contributes to respiratory diseases that cause premature death. It is harmful to children who play actively outdoors and damages agricultural crops and natural vegetation.

$RENO_X$ '98 explored all of these effects and identified strategies and solution for the control of NO_X pollution. The U.S. Environmental Protection Agency has some NO_X reduction programs under way in both the transportation and power generation sectors. However, one of the messages of $RENO_X$ '98 is that more needs to be done and it needs to be done more quickly if we are to make our cities more livable for children and the elderly, who are the most vulnerable to the effects of NO_X emissions.

For these reasons, I hope that all Members of the Senate and their staff will take some time to read the copy of the $RENO_X$ '98 proceedings that was mailed to each office last week. After reading it, I believe you will see the urgency of this issue. I know the Gunnerman Foundation, the lead sponsor of $RENO_X$ '98 intends to aggressively pursue legislation and policy changes that will make NO_X emissions reductions a higher national priority. Dr. Jack Gibbons, formerly Science Advisory to the President and one of the keynote speakers and $RENO_X$ '98, said: "We must move the NO_X problem, which has languished, toward the front of the line."

This is an issue worthy of our attention and I urge you to give it a closer look.•

NATIONAL DAY FOR THE REPUBLIC OF CHINA ON TAIWAN

• Mr. MURKOWSKI. Mr. President, as Americans prepare to celebrate Columbus Day, I notice that there are other celebrations going on around Washington, including "National Day" celebrations in Chinatown. October 10, 1998 marks the 87th anniversary of the founding of modern China. This is a very special day for Chinese people around the world, and especially in Taiwan where October 10 is celebrated as National Day in the Republic of China on Taiwan.

Dr. Sun Yat-sen is the father of modern China, and is widely regarded and revered both in mainland China and in Taiwan. On October 10, 1911, Dr. Sun's Revolutionary Alliance succeeded in putting an end to imperial rule in China, a date which also marked the formal planting of the seeds of democracy which continue to flourish in Taiwan today.

People often speculate as to the real reasons for the "Taiwan Miracle" and how Taiwan continues to defy the odds today; how this island nation continues to expand economically when nations all around her are at an economic standstill or contracting; and they speculate as to how Taiwan not only survives politically, but how she has evolved into such a strong democracy despite the pressures by the People's Republic of China (PRC) to isolate her from the international community.

While there is no easy answer to this question, Taiwan is a flourishing and successful society in every sense of the word, and is a source of optimism in an increasingly uncertain world. In this light, it gives me particularly great pleasure to wish everyone on Taiwan, and Chinese people around the world, a very special October 10 National Day. And so to all of you, congratulations.•

THE DRUG CURRENCY FORFEITURES ACT

• Mr. CLELAND. Mr. President, Mark Twain once said, "Get your facts first, and then you can distort them as much as you please." There has been some distortion and misinformation about my bill, the Drug Currency Forfeitures Act, and I appreciate the opportunity to discuss the facts.

First of all, the purpose of my bill is to dismantle the fortunes of drug traffickers by helping law enforcement seize their drug profits. It is all about confiscating the money of drug dealers, drug traffickers, and drug kingpins. It is NOT about seizing the money of innocent, law-abiding citizens, as some have charged. Confiscating the money of innocent citizens violates the Fourth Amendment of the Constitution, and I would oppose such an attempt with every effort at my command. That is why this legislation includes constitutional safeguards which protect innocent Americans against illegal searches and seizures.

Mr. President, let me tell you why I introduced my bill. There have been a recent series of court cases which have handed down some very disturbing verdicts. In each case, despite overwhelming evidence to the contrary, the court ruled against seizing the assets of drug traffickers—one of our most effective weapons in the war against drugs. Let me give you just one example.

A traveler was stopped in an airport carrying almost $14,000 in cash. A trained drug dog responded positively to the presence of drugs on the money. When asked for an explanation, the drug courier produced a fake ID and lied about the money's source. He also had a previous drug arrest on his record. Yet despite the evidence, the court gave the money back to the trafficker. Why? The court ruled there was sufficient evidence to show that the money came from some kind of criminal activity. But the court held there was insufficient evidence to prove that the crime was drug trafficking. United States v. $13,570.00 in U.S. Currency, 1997 WL 722947 (E.D. La. 1997).

Every year drug sales in this country generate $60 billion in drug profits. Every day drug couriers move huge quantities of this multi-billion-dollar pot out of the U.S. in loads big enough to fill suitcases, trucks, and even airplanes. This movement of drug kingpins' cash crop is the most vulnerable part of their drug operation. Yet current law allows the drug trafficker and his couriers to say nothing at all when their money is seized. That's right, Mr. President. Under the law, the drug trafficker is obliged to give no explanation at all as to where his money came from. If the government can only show that the money was involved in a crime—but can't show that it was a drug crime—the drug dealer gets his money back.

My legislation proposes a presumption that the money is drug proceeds if certain clearly defined circumstances are present—circumstances which typically are found in drug trafficking cases: the presence of drugs or drug residue; a positive alert by a properly trained dog; packaging of the money in a suspicious and highly unusual manner; false statements made to the police; previous drug trafficking convictions.

Let me take just a moment, Mr. President, to answer those critics who discount the positive alert by a properly trained dog. These critics say that so much of our currency is tainted with drug residue that a positive dog alert is meaningless. Yet these critics fail to take into account the scientific evidence that shows that the drug dogs are NOT alerting to the presence of cocaine—which may or may not contaminate a large fraction of all U.S. currency. Instead, the scientific evidence shows that the dogs are alerting to methyl benzoate, a highly volatile chemical by-product of the cocaine

manufacturing process that remains on the currency only for a short period of time. The bottom line is that the dogs are alerting only to money that has recently, or just before packaging, been in close proximity to a significant amount of cocaine. This research explains why these dogs do not routinely alert to currency.

To repeat: These clearly defined circumstances in my bill are safeguards to protect the innocent. More important, my bill establishes only a presumption that the money is drug money. Individuals have every opportunity to rebut the government's claim and get their money back. Criminals, however, will no longer be able to play dumb and recover their drug money without having to provide an explanation of where that money came from.

To those critics who maintain that my bill violates the rights of innocent citizens, let me say loud and clear: My bill takes effect only AFTER a determination has been made that the money in question is from an illegal source. This is how the process works.

A police officer or federal agent assigned to an airport task force seizes the money of a traveler based on "probable cause." The traveler, for example, has exhibited suspicious, counter-surveillance behavior, such as signaling to seemingly unrelated travelers who, in fact, are traveling with him. He has concealed a large quantity of money in his carry-on bag along with odor-disguising items like fabric softener sheets to throw off the drug dog. He produces a fake ID and offers a false explanation for the money. Someone whose name he doesn't remember packed the bag, and he had no idea there was any money in it.

Let me repeat: There must be probable cause for the government to seize the money. Once the money is seized, notice of the seizure must be published in the newspaper on three successive weeks and direct notice must be given, in writing, to the person from whom the money was seized as well as to any other person known to have a potential legal interest. The notice explains the procedure for filing a claim to the money. In 85 percent of all federal cases, no one files a claim. To my critics, let me repeat: In 85 percent of the cases, the individual never contests the seizure.

If an individual does file a claim, the agency which has seized the money must refer the case to the United States Attorney, who then makes an independent determination of the merits of the case. If the U.S. Attorney does not believe the government can establish that the money was drug proceeds, the case is rejected and the money is returned. On the other hand, if the U.S. Attorney believes the case has merit, he or she must file a civil forfeiture complaint in federal district court. The claimant is granted a certain number of days to renew his claim and file an answer to the government's complaint.

The case is then litigated in the district court. In each and every case, the burden of proof is on the government. In each and every case, the government has the burden of establishing—to the satisfaction of the district court—that there is probable cause to believe that the money is drug money and therefore subject to forfeiture. Only if the government successfully overcomes this hurdle is the case scheduled for a jury trial where the claimant is required to offer his explanation for the legitimate source of the money. If the jury accepts this explanation, and the government is unable to rebut it with admissible evidence, the claimant will prevail and will recover the money. Otherwise, the court will enter judgment for the government and order the forfeiture of the money.

Mr. President, the federal forfeiture laws are carefully written to provide due process to the innocent and the guilty alike. My bill conforms to these high standards while closing a legal loophole that benefits only the guilty. In the court cases which my bill addresses, the cases are dismissed before the claimant ever has to go before a jury to explain the source of the money. My bill addresses this problem by creating a presumption that if certain factors are present, the money is drug proceeds, and thereby allows the case to move forward to the next stage.

To those who have expressed concern with the concept of rebuttable presumption, let me emphasize this fact: The presumption does not lead inevitably to the forfeiture of the money. Its role is only to force the claimant to come forward with an explanation for a legitimate source of the money. Therefore, my bill in no way infringes upon a property owner's rights under law.

To those who have expressed concern over the possible impact of my bill, let me cite these facts. In fiscal year 1995—a time period prior to most of the court decisions which have limited the use of drug asset seizures—the FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service made 35,000 seizures of forfeitable property. Of the 35,000 cases, more than 85 percent were uncontested. Of the 5,250 contested cases, the U.S. Attorney declined to prosecute 3,057. Of the 2,193 complaints filed, the government lost in only 48 cases. These statistics are similar for the prior three years. There is therefore little evidence of actual abuses of drug asset forfeitures in the past, and there is even less likelihood of such abuses under the enhanced safeguards in my proposal.

In closing, let me state once again: The Drug Currency Forfeitures Act goes after drug money only. Drug trafficking is a business, and drug traffickers are in this business for one reason—money. Their multi-billion-dollar war chests allow drug lords to have some of the world's most sophisticated airplanes, boats, and communications equipment. Because of their war chests, drug cartels possess weapons in quantities that rival the capabilities of some legitimate governments. If we want to make our streets safer, if we hope to make our children's lives drug-free, it is not enough just to apprehend the drug trafficker. Throw the drug kingpin in jail, and he continues his drug operations from behind prison walls. As evidence, just look at the leaders of the most powerful international organized crime group in history—Colombia's notorious Cali cartel. Even now, the Rodriguez-Orejuela brothers are able to run their drug trafficking business from prison through the use of private quarters and telephones.

Critics of my proposal talk about the need to protect innocent victims. If we want to talk about innocent victims, look at the children who are being sold drugs at increasingly younger ages. Mr. President, I'm proud to be the sponsor of the Drug Currency Forfeitures Act. It hits the drug cartels where it hurts the most—their wallets. The ability of law enforcement to confiscate drug money hinges on the government's ability to prove that the money is drug proceeds, and not the proceeds of some other form of unlawful activity.

My bill is endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, and the Federal Law Enforcement Officers Association. The Drug Currency Forfeitures Act closes a legal loophole that benefits only the guilty. At the same time, it upholds the Constitution's Fourth Amendment, which protects the innocent against unlawful searches and seizures. I worked very closely with the Department of Justice in crafting this legislation. It is a positive—and needed—step forward, and at the appropriate time I urge my colleagues to support this measure.•

SENATE QUARTERLY MAIL COSTS—THIRD QUARTER

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101-510 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY98 to be printed in the RECORD. The third quarter of FY98 covers the period of April 1, 1998 through June 30, 1998. The official mail allocations are available for frank mail costs, as stipulated in Public Law 105-55, the Legislative Branch Appropriations Act of 1998.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 06/30/98

Senators	FY98 Official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$112,359	850	0.00009	$217.88	$0.00002
Akaka	34,512	0		0.00	
Allard	62,250	0		0.00	
Ashcroft	76,766	0		0.00	
Baucus	33,725	0		0.00	
Bennett	40,632	0		0.00	
Biden	31,373	0		0.00	
Bingaman	41,065	0		0.00	
Bond	76,766	0		0.00	
Boxer	299,774	0		0.00	
Breaux	65,447	0		0.00	
Brownback	48,952	0		0.00	
Bryan	41,146	0		0.00	
Bumpers	50,032	0		0.00	
Burns	33,725	33,832	0.04106	30,597.92	0.03713
Byrd	42,197	0		0.00	
Campbell	62,260	0		0.00	
Chafee	33,982	0		0.00	
Cleland	93,914	0		0.00	
Coats	78,470	0		0.00	
Cochran	49,853	0		0.00	
Collins	37,296	0		0.00	
Conrad	30,599	0		0.00	
Coverdell	93,914	0		0.00	
Craig	35,335	1,275	0.00119	436.67	0.00041
D'Amato	182,405	0		0.00	
Daschle	31,250	0		0.00	
DeWine	129,502	0		0.00	
Dodd	55,328	0		0.00	
Domenici	41,065	0		0.00	
Dorgan	30,599	926	0.00146	220.39	0.00035
Durbin	127,523	1,540	0.00013	1,226.99	0.00011
Enzi	29,313	0		0.00	
Faircloth	98,546	0		0.00	
Feingold	72,344	0		0.00	
Feinstein	299,774	0		0.00	
Ford	62,013	0		0.00	
Frist	75,654	0		0.00	
Glenn	129,502	0		0.00	
Gorton	78,894	3,600	0.00070	734.26	0.00014
Graham	179,546	0		0.00	
Gramm	199,231	2,300	0.00013	813.63	0.00005
Grams	67,502	25,501	0.00569	10,164.43	0.00227
Grassley	51,340	0		0.00	
Gregg	35,844	0		0.00	
Hagel	40,141	0		0.00	
Harkin	51,340	0		0.00	
Hatch	40,632	0		0.00	
Helms	98,546	0		0.00	
Hollings	60,001	0		0.00	
Hutchinson	50,032	0		0.00	
Hutchison	199,231	0		0.00	
Inhofe	58,636	0		0.00	
Inouye	34,512	0		0.00	
Jeffords	30,350	0		0.00	
Johnson	31,250	0		0.00	
Kempthorne	35,335	0		0.00	
Kennedy	81,449	0		0.00	
Kerrey	40,161	0		0.00	
Kerry	81,449	635	0.00011	589.92	0.00010
Kohl	72,344	0		0.00	
Kyl	68,104	0		0.00	
Landrieu	65,447	0		0.00	
Lautenberg	95,810	0		0.00	
Leahy	30,350	7,316	0.01284	4,824.19	0.00846
Levin	112,359	0		0.00	
Lieberman	55,328	0		0.00	
Lott	49,853	0		0.00	
Lugar	78,470	0		0.00	
Mack	179,546	0		0.00	
McCain	68,104	3,949	0.00103	3,158.62	0.00082
McConnell	62,013	0		0.00	
Mikulski	72,320	0		0.00	
Moseley-Braun	127,523	0		0.00	
Moynihan	182,405	4,550	0.00025	1,053.92	0.00006
Murkowski	30,301	366,400	0.62419	56,009.25	0.09542
Murray	78,894	0		0.00	
Nickles	58,636	0		0.00	
Reed	33,982	0		0.00	
Reid	41,146	1,363	0.00103	1,070.03	0.00081
Robb	86,917	0		0.00	
Roberts	48,952	0		0.00	
Rockefeller	42,197	27,339	0.01509	6,395.34	0.00353
Roth	31,373	0		0.00	
Santorum	137,173	1,069	0.00009	901.69	0.00008
Sarbanes	72,320	0		0.00	
Sessions	66,267	0		0.00	
Shelby	66,267	0		0.00	
Smith, Gordon	56,470	1,219	0.00041	1,123.92	0.00038
Smith, Robert	35,844	0		0.00	
Snowe	37,296	0		0.00	
Specter	137,173	0		0.00	
Stevens	30,301	0		0.00	
Thomas	29,313	0		0.00	
Thompson	75,654	0		0.00	
Thurmond	60,001	0		0.00	
Torricelli	95,810	0		0.00	
Warner	86,917	0		0.00	
Wellstone	67,502	0		0.00	
Wyden	56,470	655	0.00022	231.89	0.00008

SENATE QUARTERLY MAIL COSTS—FOURTH QUARTER

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of FY98 to be printed in the RECORD. The fourth quarter of FY98 covers the period of July 1, 1998, through September 30, 1998. The official mail allocations are available for frank mail costs, as stipulated in Public Law 105–55, the Legislative Branch Appropriations Act of 1998.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/98

Senators	FY98 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$112,359	0		$0.00	
Akaka	34,512	0		0.00	
Allard	62,250	0		0.00	
Ashcroft	76,766	0		0.00	
Baucus	33,725	1,113	0.00135	887.63	$0.00108
Bennett	40,632	0		0.00	
Biden	31,373	0		0.00	
Bingaman	41,065	0		0.00	
Bond	76,766	0		0.00	
Boxer	299,774	189,826	0.00615	152,219.40	0.00493
Breaux	65,447	0		0.00	
Brownback	48,952	0		0.00	
Bryan	41,146	60,000	0.04521	6,851.98	0.00516
Bumpers	50,032	0		0.00	
Burns	33,725	1,105	0.00134	879.25	0.00107
Byrd	42,197	0		0.00	
Campbell	62,250	0		0.00	
Chafee	33,982	0		0.00	
Cleland	93,914	0		0.00	
Coats	78,470	0		0.00	
Cochran	49,853	0		0.00	
Collins	37,296	0		0.00	
Conrad	30,599	0		0.00	
Coverdell	93,914	0		0.00	
Craig	35,335	735	0.00069	151.10	0.00014
D'Amato	182,405	0		0.00	
Daschle	31,250	0		0.00	
DeWine	129,502	0		0.00	
Dodd	55,328	0		0.00	
Domenici	41,065	0		0.00	
Dorgan	30,599	1,978	0.00311	1,402.19	0.00220
Durbin	127,523	0		0.00	
Enzi	29,313	0		0.00	
Faircloth	98,546	0		0.00	
Feingold	72,344	0		0.00	
Feinstein	299,774	0		0.00	
Ford	62,013	0		0.00	
Frist	75,654	0		0.00	
Glenn	129,502	0		0.00	
Gorton	78,894	321,320	0.06256	54,565.00	0.01062
Graham	179,546	0		0.00	
Gramm	199,231	0		0.00	
Grams	67,502	5,165	0.00115	4,074.66	0.00091
Grassley	51,340	282,160	0.10034	51,420.04	0.01829
Gregg	35,844	0		0.00	
Hagel	40,141	0		0.00	
Harkin	51,340	0		0.00	
Hatch	40,632	0		0.00	
Helms	98,546	0		0.00	
Hollings	60,001	0		0.00	
Hutchinson	50,032	0		0.00	
Hutchison	199,231	0		0.00	
Inhofe	58,636	0		0.00	
Inouye	34,512	0		0.00	
Jeffords	30,350	34,910	0.06125	6,977.43	0.01224
Johnson	31,250	50,480	0.07100	8,980.40	0.01263
Kempthorne	35,335	0		0.00	
Kennedy	81,449	0		0.00	
Kerrey	40,161	0		0.00	
Kerry	81,449	0		0.00	
Kohl	72,344	0		0.00	
Kyl	68,104	0		0.00	
Landrieu	65,447	0		0.00	
Lautenberg	95,810	0		0.00	
Leahy	30,350	0		0.00	
Levin	112,359	2,250	0.00024	434.15	0.00005
Lieberman	55,328	0		0.00	
Lott	49,853	0		0.00	
Lugar	78,470	0		0.00	
Mack	179,546	0		0.00	
McCain	68,104	23,222	0.00606	18,281.89	0.00477
McConnell	62,013	0		0.00	
Mikulski	72,320	12,600	0.00257	2,282.23	0.00047
Moseley-Braun	127,523	0		0.00	
Moynihan	182,405	0		0.00	
Murkowski	30,301	0		0.00	
Murray	78,894	121,500	0.02366	21,864.80	0.00426
Nickles	58,636	0		0.00	
Reed	33,982	0		0.00	
Reid	41,146	60,000	0.04521	6,851.93	0.00516
Robb	86,917	0		0.00	
Roberts	48,952	0		0.00	
Rockefeller	42,197	132,476	0.07311	25,456.09	0.01405
Roth	31,373	0		0.00	
Santorum	137,173	0		0.00	
Sarbanes	72,320	0		0.00	
Sessions	66,267	0		0.00	
Shelby	66,267	0		0.00	
Smith, Gordon	56,470	0		0.00	
Smith, Robert	35,844	0		0.00	
Snowe	37,296	3,757	0.00304	1,213.61	0.00098
Specter	137,173	0		0.00	
Stevens	30,301	0		0.00	
Thomas	29,313	5,209	0.01118	3,617.97	0.00776

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/98—Continued

Senators	FY98 official mail allocation	Total pieces	Pieces per capita	Total cost	Cost per capita
Thompson	76,654	0		0.00	
Thurmond	60,001	0		0.00	
Torricelli	95,810	34,378	0.00441	31,463.88	0.00404
Warner	86,917	0		0.00	
Wellstone	67,502	0		0.00	
Wyden	56,470	0		0.00	•

VET CENTERS OF EXCELLENCE

• Mr. ROCKEFELLER. Mr. President, the Readjustment Counseling Service (RCS) within the Department of Veterans Affairs recently named five Vet Centers—from 206 across the country—as "Vet Centers of Excellence." I note with great pride that the Morgantown Vet Center, in my State of West Virginia, was one of the Vet Centers selected for this distinguished award.

RCS Vet Centers, mandated by Congress in 1979, are community-based service centers staffed by highly qualified professionals. Vet Center services include individual and group counseling, family/marital counseling, sexual trauma counseling, substance abuse counseling, vocational and employment assistance, VA claims and benefits information, help for the homeless, and social service and health care referrals. They provide readjustment counseling to combat veterans and their families—veterans who served during Vietnam, Korea, and World War II—as well as veterans involved in combat hostilities in Panama, Grenada, Lebanon, Somalia, and the Persian Gulf.

Mr. President, many veterans suffer from psychological injuries as a result of their service in the Armed Forces, especially service in combat. But unlike those injuries that can be bandaged, sewn, or cast, psychological battle wounds are typically unseen and left untreated. Many veterans struggle for years to find peace within themselves, often turning to VA for help years after they've come home from war.

So, the work being done at our Vet Centers is enormously important. And Vet Center services become even more vital when they are the only VA presence for hundreds of miles, as is the case in some parts of the country.

The criteria used in selecting the "Vet Centers of Excellence" included quality of clinical care, administrative management, outreach to high-risk veteran populations, and cost effectiveness.

I am truly delighted that the Morgantown Vet Center has been recognized among those which best represent the spirit and mission of RCS. The Morgantown Vet Center catchment area is mostly rural, with a widely dispersed population covering 16 counties in North Central West Virginia and two counties in Pennsylvania. Since opening its doors in 1982, it has provided service to over 7,000 veterans. To the Morgantown Vet Center staff—Johnny Bragg, Melody Johns, Ronald Jones, and Sandra Calvert—I say thank you for a job well done, and for always going above and beyond what is required in your positions. I am very proud of you.

In addition, I congratulate the staff of the other Vet Centers selected as "Vet Centers of Excellence"—Vista, California; Tucson, Arizona; Atlanta, Georgia; and White River Junction, Vermont.

But I also want to note my appreciation for the other Vet Centers in West Virginia, and those others around the country. All provide a vital service—in many cases, literally a lifeline to troubled vets. I am reminded of the many times my Senate staffers have contacted a Vet Center employee somewhere in the country after hearing from a veteran in crisis—or a family member—and been able to secure the help needed to avert an emergency. And I am reminded of the number of veterans and family members in my State of West Virginia who tell me how positively their lives have changed after contact with a Vet Center.

So, to all 206 Vet Centers and the dedicated staff who work there—your good deeds have not gone unnoticed. Keep up the good work. Our Nation's combat veterans are lucky to have you, and I am enormously proud of what you have been able to accomplish.•

TRIBUTE TO RICHARD K. BOYD

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Dick Boyd, who will retire at the end of October after 32 years of service to the Westvaco Corporation. For over thirty years, Dick has helped establish Westvaco and the Fine Papers mill into fixtures of Wickliffe, Kentucky. Though not originally from Kentucky, Dick became a valued member of the Wickliffe community, raised his family there and continues to have close ties to Kentucky.

In 1966, Dick joined Westvaco as the Assistant Public Relations Manager at the Fine Papers Division in Luke, Maryland. The next year, Westvaco announced that Wickliffe, Kentucky would be the site of a new $80 million mill. It was while assisting in the public relations details of this announcement that Dick began his long association with the community of Wickliffe. Later that year, Dick, his wife Malinda and their two daughters moved to Wickliffe. Dick became Public Relations Manager for Fine Papers in 1970.

Dick held that job until 1988. During that time, he played an integral role as the Fine Papers mill became the bedrock of the Wickliffe community. After a brief stint during 1988 in the Kentucky State Government as Deputy Secretary of the Cabinet for Economic Development, Dick returned to Westvaco as Regional Public Affairs Manager, a position he held until 1991. At that time he moved to Washington to become Westvaco's Director of Public Affairs, a position he continues to hold today.

Since the 1966 announcement that the plant would be built in Western Kentucky, Westvaco has spent more than half a billion dollars to create a state-of-the-art papermaking facility in Wickliffe. Today, Westvaco employs over 750 men and women in Kentucky, and makes an annual contribution of $134 million to the local economy. The growth of the mill and the company's great relationship with the community are a legacy of Dick's career at Westvaco and his 24 years in Kentucky.

Mr. President, I have worked closely with Dick on several issues of great importance to both Westvaco and my constituents in the Wickliffe area. His hard work and dedication have allowed Westvaco to become an important part of the Wickliffe community. I have enjoyed working with him, thank him for all his efforts on behalf of Westvaco and the people of the Wickliffe community, and wish him the best wherever his future endeavors may take him.•

65TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–33

• Mr. D'AMATO. Mr. President, I am pleased to cosponsor S. Con. Res. 122, introduced by my distinguished colleague, Senator LEVIN, commemorating the 65th anniversary of the Ukrainian Famine of 1932–33. It is timely once again for us to join together to call the world's attention to this cold act of mass murder, to remember its victims, and to pledge ourselves to prevent hunger from being used as a weapon of genocide. I urge my colleagues to join me in support of this resolution.

The Ukrainian Famine ranks among the most devastating human tragedies of all time, with an estimated loss of life exceeding 7 million men, women and children. Millions of Ukrainians died not from natural causes, but from policies designed to eradicate

Ukraine's cultural and political identity and to punish the Ukrainian people for resisting the forced collectivization of agriculture. As such, the Famine is a dramatic testament to the brutality of the imperial Soviet system, responsible for the destruction of tens of millions of lives over the course of its 70-year existence.

The Ukrainian Famine was a crime of epic proportions. In the 1980's the U.S. Commission on the Ukraine Famine painstakingly documented every aspect of this genocide, collecting an impressive body of material documenting the tragedy inflicted upon Ukrainians by their Soviet masters. Members of the Famine Commission from this body and from the House of Representatives held hearings around the country in which elderly eyewitnesses recounted the consequences of Stalin's genocidal policies in starkly human terms, giving poignant and often gruesome accounts of the horrors they, their families, friends and fellow countrymen faced. The Famine Commission's final report to Congress confirmed the man-made nature of the Famine, specifically, the complicity of Joseph Stalin and those around him in its conception and execution.

Clearly, the Ukrainian Famine occurred within the context of a Soviet system which denied and vigorously opposed democratic values, the rule of law, and any respect for elementary human rights. Now that Ukraine is free from foreign domination and is moving towards full respect for human rights, democratic values and the rule of law, the likelihood of a similar catastrophe, at the present time, appears remote.

Nevertheless, I strongly agree with the resolution's assertion that it is essential that the United States continue to assist Ukraine as it proceeds towards democracy, a free-market economy, and full respect for human rights. It is imperative for America and for the West to support independence and democracy in Ukraine to ensure that Ukraine never again experiences domination by a foreign power hostile to Ukraine's very identity as a people and as a nation.

Mr. President, in closing, I once again urge my colleagues to join together in support of this important resolution.●

TRIBUTE TO ELIZABETH "BETTIE" MOHART FOR HER SERVICE TO THE UNITED STATES SENATE

● Mr. BOND. Mr. President, I rise today to pay tribute to Elizabeth "Bettie" Mohart for her outstanding service to the United States Senate. Bettie was the Chief Clerk on the Senate Committee on Small Business, of which I am Chair. In the three and a half years that she was with the Committee, she helped to make it run smoothly and efficiently.

When Sam Rayburn said "you cannot be a leader, and ask other people to follow you, unless you know how to follow too," he could have been talking about Bettie Mohart. She started her service in 1969 with Senator Stuart Symington as a Staff Assistant, and then went to work for Senator ROBERT BYRD as a Staff Assistant in 1972. In 1974, Bettie left the Senate to pursue other endeavors, only to return in 1985 to work for Senator Jack Danforth. She was hired as a Staff Assistant for Senator Danforth's personal office and was later moved to the Senate Committee on Commerce, when he became Chair. He then asked Bettie to return to his personal office, as Office Manager, where she stayed until his retirement. In 1994, I was fortunate enough to be able to hire her for the Committee on Small Business where she remained until her departure.

By the time Bettie came to work for me she had worked in just about every capacity, in the Senate, with the exception of Chief of Staff and Senator, which no doubt she could have handled. This experience made her, not only an asset to my Committee, but it also gave her the wisdom to manage the Small Business Committee office with a just hand. I thank Bettie for her many years of service to myself and to the United States Senate, and wish her the best of luck in the future.●

IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE WEST VIRGINIA COALITION AGAINST DOMESTIC VIOLENCE CENTRAL SERVICE OFFICE

● Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today to share my warmest congratulations to the West Virginia Coalition Against Domestic Violence Central Service Office on its 10th Anniversary celebration. Through its around the clock support, educational outreach and a network of safe shelters, the WVCADV Central Service Office providers mothers and children with the information and resources necessary to produce "Peacemaking Partnerships"—statewide cooperation to eliminate domestic violence.

Offering support on a 24-hour basis with an exceptionally educated full time staff, corps of volunteers and Americorps workers, the WVCADV has been able to help prevent, and in many cases help heal the scar of domestic violence in the state of West Virginia. Such commitment is essential in the campaign to stop domestic violence which has grown in staggering proportions. Statistics reflect that a woman is assaulted by her husband or intimate partner every fifteen seconds in the United States. Without effective mechanisms for intervention, this number will only continue to grow.

The WVCADV plays a vital role in encouraging victims of domestic violence to come forward and tell their stories. Through community education, seminars and conferences designed to broaden public awareness of warning signs and other violence-related issues, the WVCADV is changing the past protocol of 'looking the other way' into empowerment, response and prevention.

Through the myriad of support services WVCADV has made available, the network of thirteen safe shelters in West Virginia provide a place for women and children as they begin the process of leaving violence-filled homes. With nearly seventy-five percent of fatal attacks occurring after separation, such safe shelters are essential to protect women and children from their abusers. These shelters not only provide a secure, stable environments with educational programs, but also offer direct contacts with legal advocates and law enforcement to ensure the safety of these women and children after they leave.

Furthermore, through their collaboration with advocates and policy makers, the WVCADV fosters legislation which is essential to counter domestic violence—setting up mechanisms not only to protect abuse victims but also to increase and provide accountability for abusive behavior. In 1994, I proudly cosponsored the Violence Against Women Act, the first comprehensive piece of Federal legislation to address this important issue. I will continue to work with my collegues in Congress and with the staff of the WVCADV to ensure that the most vulnerable families get the support that they need to remain safe, stable and free of violence.

Throughout the month of October, the WVCADV will hold events throughout the State to celebrate the progress they have made in fighting domestic violence. On November 6th a statewide event titled "In Celebration of Peacemaking Partnerships: Looking Back and Moving Ahead" will demonstrate the 10 years of success and goals. I cannot think of a more fitting title for this anniversary celebration which recognizes the West Virginia Coalition Against Domestic Violence Central Service Office's leadership in forging model partnerships throughout West Virginia and across the nation.

Again, Mr. President, I want to express my sincerest congratulations to the West Virginia Coalition Against Domestic Violence Central Service Office for the work it has done and for all that it will continue to do in the future. Also, I would like to express my appreciation for all the WVCADV staff and volunteers. Such commitment and dedication that always inspires me in the work that I do on behalf of West Virginia children and families. I look forward to our future endeavors together as we continue to make great strides in creating "peacemaking partnerships" throughout West Virginia and across the country.●

THE AUTO CHOICE REFORM ACT

• Mr. ALLARD. Mr. President, I rise to make a few remarks concerning the Auto Choice Reform Act. I am a cosponsor of this legislation.

The Auto Choice Act proposes the development of a "no fault compensation system" to provide an option to drivers who do not want to pay for services they do not want and will not use. This legislation would allow for the recovery of economic losses, but not for the recovery of non-economic damages like pain and suffering. Those who choose to stay insured under the tort system would retain the right to sue and be sued for economic and non-economic losses, while those who choose the "no fault" system would be able to sue or be sued for economic damages only. And that is what the Auto Choice Act is really about, Mr. President. Choice for the driving public.

All drivers are currently insured through a system that requires them to pay for insurance on the assumption that if they are involved in an accident then they will sue or be sued for more than economic damages. The majority of drivers are never involved in a suit for pain and suffering, yet they pay for this coverage every single month.

Between 1987 and 1994 the cost of automobile insurance increased by 44%. This extraordinary increase was due in large part to excessive claims made by accident victims for pain and suffering, that is, for compensation beyond the costs of automobile damages and medical bills. For every $1 in actual economic loss generated by this system, $3 are paid out for non-economic damages. Rampant abuse of the insurance industry attempts to turn people's misfortune into a sweepstakes.

This sweepstakes is particularly beneficial for attorneys who collect 40 cents of every dollar paid for bodily injury. Twenty-eight cents from every premium dollar goes to attorneys. According to the Joint Economic Committee, lawyers earn between $15 and $17 billion a year under the current tort system and lawyers on both sides of a dispute make almost two times the amount of money that injured parties receive for actual economic loss. This is abuse of a system that exists to protect people from the genuine financial costs of misfortune and tragedy.

The Federal Bureau of Investigation estimates that such excessive legal and medical claims, combined with outright fraudulent claims, have added $200 in unnecessary premiums for every household in America. That's a $200 increase for every family—regardless of what type of coverage that family may want. That's $200 that will not be spent on groceries, clothing for children, or tucked away into savings for education.

This system becomes more inequitable when the burden on low-income and urban drivers is considered. These drivers pay a disproportionate amount of their income for auto insurance. In my home state of Colorado we have the 14th highest insurance rates in the nation. The effects of the high cost of driving in Colorado are particularly noticeable along the more densely populated front range. Last week Denver Mayor Wellington Webb testified before the Senate Commerce Committee concerning the effects of high premium costs on a large urban population. Mayor Webb testified that not only do the urban poor pay a premium disproportionate to their income, but high premium costs can also deter drivers from purchasing insurance at all. Dr. Robert Lee Maril testified to the disproportionate cost of insurance stating that nationally households spend 2% of their annual income on automobile insurance. The upper 50% of people living below the poverty line, however, spend a staggering 14% of their income on automobile insurance.

Mayor Webb also testified that this is not just an issue for the poor. Middle-income families spend on average 150% more on auto insurance than they do on education, and in the City of Denver alone residents would see their premiums reduced by as much as 40%.

In July the Joint Economic Committee released a report that demonstrates the benefits of Auto Choice for businesses. In addition to the relief this bill provides for individual drivers, the JEC reports that nearly 40% of all tort cases against businesses are auto-related. The incentives that drive the tort system increase the cost of doing business. In 1994 businesses spent $21 billion on auto liability insurance. Just as families are forced to spend money on high premiums that could be better spent on food or education, businesses are forced to dedicate resources to liability insurance instead of payroll and capital investments. The JEC report concluded that the Auto Choice Act would result in an average 27% savings on commercial auto insurance, potentially saving American businesses $41 billion over five years.

The Insurance Commissioner from my state of Colorado has endorsed this legislation, however, I realize that in spite of the expected benefits of this legislation, some states prefer their current system. Therefore, this bill provides a choice for the individual states. Under this legislation, state legislatures are able to opt-out of Auto Choice for any reason. Furthermore, the bill clearly states that it will not preclude a State or State Official from fully exercising their regulatory authority concerning policy rates, consumer protection or carrying out the requirements of this act. The Auto Choice Reform Act will leave the ultimate regulation of auto insurance to the states.

The implementation of The Auto Choice Act would cause the average insurance policy to decrease by $243 annually, saving drivers an estimated $45 billion nationwide. By providing greater choice to the driving public, without cost to the government, the driving public would save $246 billion over five years. That's an enormous savings for simply providing an option to the consumer. This is a bill about choice, it is a bill about savings, and it is a bill about equitable compensation for the American driver.•

NIH EARMARKS

• Mr. COATS. Mr. President, I would like to speak today about a matter which concerns me greatly—the process by which funds are allocated at the National Institutes of Health (NIH).

The National Institutes of Health is one of the finest institutions of medical research in the World. A commitment to providing the best possible health care has driven the NIH's recruitment of preeminent physicians and medical researchers across the breadth of the medical disciplines.

Having created such an impressive resource, it is disheartening that Congress, through legislative earmarks and other mandates, often undertakes to second-guess the considered opinions of these experts.

The practice of earmarking disease-specific funds results mainly from lobbying pressure directed to Senators or our staffs. As a result of this pressure, Senator's introduce language which sets aside sums of money—often very large sums of money—to be used exclusively for one specific disease.

In September of last year, the Senate overwhelmingly approved the Department of Health and Human Services Appropriations Bill, which contained a provision for an in-depth study to examine the priority setting process at NIH. The amendment which incorporated this study was originally sponsored by myself and Senator Frist, and directed the Institute of Medicine (IOM) to conduct this study with utmost priority.

The intent of this research was to understand how priorities regarding specific research programs are determined, how levels of funding for these research programs are established, and how new organizational entities within the NIH are created.

This study grew out of Senator Frist and my concerns that Congress was unduly influencing the process by which priorities are set at NIH through the practice of the earmarking of funds for disease-specific research. We were concerned that the priority setting process at NIH was becoming less science-based and more politically drive. It was clear that our concern was shared by the majority of the Senate, as they voted to include this amendment in the appropriations bill.

In July of this year, IOM completed its work and reported its findings to

Congress. The study cited the need for greater public involvement, specifically, and I quote, "The director of NIH should establish and appropriately staff a Director's Council of Public Representatives, to facilitate interactions between NIH and the general public" and that, "* * * public membership of NIH policy and program advisory groups should be selected to represent a broad range of public constituencies." unquote. It is interesting to note that both these recommendations focus public input directly to NIH, rather than to Congress.

This is very much in line with another recommendation; quote, "The U.S. Congress should use its authority to mandate specific research programs, establish level of funding for them, and implement new organizational entities only when other approaches have proven inadequate." unquote.

The findings of this study are clear. For the purpose of priority-setting, public input-including organized input via lobbying efforts—are most appropriately directed to NIH, where it can be evaluated by appropriate science-based criteria. Only when there is evidence that NIH is unable or unwilling to apply this input appropriately to their priority-setting process and criteria, should Congress influence the process through legislative mandates. It is my contention that if the litmus test were applied to all earmarks, most would be stripped from legislation.

The message is clear: Congress should avoid the practice of earmarking within NIH appropriations. The findings of the research conducted by the independent and impartial experts clearly indicates that the concern regarding the pricess of priority setting at NIH was warranted.

As the Senate considers the future appropriations and authorization legislation for NIH, I would urge my colleagues to consider, with a critical eye, any disease-specific earmarks. I would urge my colleagues to ask themselves whether there is evidence that NIH has somehow failed to appropriately consider and apply science-based priority-setting criteria. In the absence of such evidence, I would urge my colleagues to not impose earmerks or other legislative mandates on the NIH.•

A TRIBUTE TO JOSEPH PINGA

• Mr. CHAFEE. Mr. President, I would like to take this opportunity to pay tribute to the late Joseph Pinga, a community leader who passed away on September 1st, in West Warwick, Rhode Island. Mr. Pinga was best known for his community giving and his vigilance that helped to reform the West Warwick town government.

Mr. Pinga served honorably in the U.S. Navy and worked to establish his business, Westcott Baking Company, of which he was the owner and operator for over forty years. In this capacity, Mr. Pinga was regarded not only as a local pioneer, but also as a defender of rights for small business owners. In fact, in 1978, *Time Magazine* recognized Joe's perseverance in an article about his struggle with the Occupational Safety and Health Administration.

Joseph Pinga certainly was a believer in community involvement. Numerous charitable organizations could always count on Mr. Pinga's generosity without ever requesting any public acknowledgement. In addition, Joe ran for mayor of West Warwick in 1990 and was a member of the local Elks Lodge.

Mr. President, I join with all Rhode Islanders in extending to Mr. Pinga's family our sympathy and best wishes.•

HONORING WALTER SELLERS

• Mr. DEWINE. Mr. President, I rise today to pay tribute to the distinguished career of Walter G. Sellers of Wilberforce, Ohio—who has recently completed his term as president of Kiwanis International.

Mr. Sellers is the first African-American to serve as Kiwanis International President. For 32 years, he was a member of the Kiwanis Club in Xenia, Ohio. In 1990, he was elected to the Kiwanis International Board of Trustees. he served as Vice President and Treasurer before becoming President.

All Ohioans are proud of Mr. Sellers' outstanding stewardship of one of the largest service clubs in the world. But we also know that his service to our community extends beyond his work with the Kiwanis organization. He has served as President of the Xenia Board of Education and President of the Ohio School Boards Association. And he has done great work on many other public-service boards in Ohio.

Walter Sellers has dedicated his life to improving the lives of the people of Ohio, especially in the field of education. We are all extremely grateful for his efforts and I ask my colleagues to join me in wishing him all the best in his next endeavors.•

THE FUTURE OF FAMILY FARMING AND RANCHING

• Mr. JOHNSON. Mr. President, today I rise to express—in very stark terms—my deep and increasing concern for the future of family farming and ranching in this country. The truth is, our country's family farmers and ranchers are under increasing economic pressure from concentration in agriculture—concentration in meatpacking, concentration in food-retailing, concentration in rail and other forms of transportation, concentration in banking, concentration in the grain-trading companies, and concentration in production itself.

The strands of these varied concentrations are tightening around the throats of family farmers and ranchers, threatening not only the farmers and ranchers themselves, but also their families, the small-town businesses that depend on them, their schools, their churches, and the very social fabric that makes rural America such a special and wonderful place to live—the reasons why we should do whatever we can to preserve and promote our system of family farming and ranching.

But there is more at stake here than just our farmers and ranchers and their families, critically important as they are. What's also at stake is the very system that produces our food, that gives us life. Study after study shows that family agriculture is the most efficient way, the most environmentally safe way, to produce our food. And that is another reason why we should do whatever we can to preserve and promote our system of family farming and ranching.

But, frankly, there is a troubling movement in our country toward the corporatization of family agriculture. Look at the pork industry—it has become increasingly dominated by giant corporate hog factories, a fact which has gone hand-in-glove with lower and lower prices for hogs, to the point that many family pork producers can't make a living at it anymore, and have simply given up.

A case in point is the state of North Carolina, which has seen the biggest influx of corporate hog factories in the United States. In 1984, there were 24,000 hog farmers in that state, just before the growth of hog factories skyrocketed. Now, there are 7,000 hog farmers in North Carolina, almost all of them working on contract, little more than hired hands working for outside corporate investors. However, at the same time that independent family hog producers have almost disappeared in North Carolina, the number of hogs produced there has tripled, thus leading to enormous environmental problems—fish kills numbering in the tens of millions, rapidly rising nitrates in groundwater used for drinking, increasing levels in airborne ammonia, stench that makes the eyes water, and a corresponding and unsurprising drop in tourism. The North Carolina experiment has clearly not worked.

What has happened in North Carolina, and what is happening in many other states, is nothing less than a human tragedy. My ancestors, and the ancestors of many people here today, left Europe to escape the feudal system of agriculture, a system of inequality and unfairness where a baron controlled the land and the peasants worked for him as little better than slaves.

I do not want to return to a "new feudalism" in which the baron is replaced by out-of-state corporate investors, nor do I believe that the people of my state desire to do so, either. It is

for that reason that I have opposed the concentration in agriculture at all levels, because it ultimately is fair to neither food producers nor food consumers.

And it is also the reason that I plan to vote for "Amendment E," an initiated measure that will appear on the November 3rd, 1998 South Dakota general election ballot. This measure corresponds very closely to a similar measure in Nebraska, which has been deemed constitutional by the United States Supreme Court, and has allowed Nebraska to maintain both market share and number of producers much better than its neighboring states, including South Dakota. I'm not telling any South Dakotan how to vote on this or any other issue, but I do want to add my voice to those who believe the move toward the corporatization of our family farming system has gone too far. We have far too much at stake to simply sit silently by while the best food producing system ever devised by humankind is allowed to die a slow and painful death.•

THE VA HEALTH CARE SYSTEM AND DR. KENNETH W. KIZER

• Mr. SESSIONS. Mr. President, I rise to make a few remarks concerning the VA health care system, a system that is currently undergoing dramatic changes and reorganization. I would note that these changes, in turn, to include managerial reforms, facility consolidations, and reallocation of resources, all initiated by the Under Secretary for Health, Dr. Kenneth W. Kizer M.D., M.P.H., are having a dramatic impact on when, where, and how VA is providing for our veterans, many of whom are in my home state of Alabama.

The private health care sector is likewise undergoing massive managerial and resource changes. We saw evidence earlier this week of the erosion in care for elderly Americans, for instance, when a number of HMO's decided not to participate any further in Medicare+Choice. Over at the VA, using managed care models, Dr. Kizer also shifted inpatient care to outpatient care and heightened the focus of primary care at the expense of specialty care and specialized services. So elderly veterans, and those in speciality care programs around the country, are under the same stresses as their civilian neighbors.

Dr. Kizer apparently likes decentralized decision making, and I cannot say that I necessarily disagree with that style. It can be very effective at times and in certain organizations. He has given local VA managers incentives and authority to design and run their own health care operations independent of VA's National Headquarters. In many respects these reforms have been beneficial, even bold I am told, particularly at a time when the VA budget is under severe stress.

However, I expressed my personal concern to Dr. Kizer in a phone call earlier this week that there is one area where I believe decentralization and certainly the shifting of resources is having a very negative effect on one of the VA's core missions, and that is, the provision of specialized services for veterans with spinal cord injury and dysfunction.

Mr. President, the Congress mandated in P.L. 104–262 that the VA would maintain its capacity to provide specialized services, such as care given in VA's 23 Spinal Cord Injury (SCI) centers. Many have wondered, and rightly so I believe, that budget pressures, reorganization and decentralization of management have created the incentive for local managers to downgrade these expensive specialized programs, generally shifting resources and staff out of one area to make up for shortfalls in others areas. Costs are thereby reduced at the expense of the care for the veterans who need it the most.

Specialized programs, including blind rehabilitation, amputation care, specialized health programs, as well as spinal cord injury care, are core disciplines of the VA health care system. They, least of all, should be subject to re-engineering until all aspects of that care have been analyzed from a headquarters perspective. I don't think allowing numerous mangers to make that kind of decision is in the national interest or in the interest of our veterans.

Former Senator Alan Simpson from Wyoming, then Chairman of the Senate Committee on Veterans' Affairs, presided over the passage of the legislation protecting specialized services. Addressing this particular provision, he said: "VA is required to maintain special programs (such as treatment of spinal cord dysfunction, blind rehabilitation, amputation and mental illness) at least at the current level. On a per capita basis, these services are expensive to provide and it is not the intent of the Committee to allow VA to reduce them in order to pay for other kinds of routine care."

Mr. President, I am afraid what Senator Simpson and the Congress feared could happen to specialized programs in general and spinal cord injury programs specifically under VA's current reorganization initiatives is, in fact, happening.

Nearly a month ago, I had a visit from Mr. Aubrey L. Crockett, the President of the Mid-South Chapter of Paralyzed Veterans of America. Aubrey represents the health care interests of 1830 spinal cord dysfunctional veterans in Alabama. As he sat confined to his wheel chair, he raised serious concerns that the VA was not maintaining the quality and quantity of its specialized health care services for the over 120,000 veterans nationwide with spinal cord dysfunction.

Last month, Gordon Mansfield, the National Executive Director of the Paralyzed Veterans of America addressed the same subject from a national perspective during hearings on the Hill. PVA's leadership has expressed its concerns to me as well. Over 75 percent of their membership, a larger percentage than any other veterans service organization, rely on the VA for all or part of their specialized health care needs. For these individuals with chronic and catastrophic disabilities, any erosion in the care they require can be life threatening. Aubrey indicated that something as simple as a pad for a wheel chair can make a big difference for a veteran.

I have come to believe that PVA's concerns need to be addressed. I further believe that any erosion in staffing, bed availability or the quality of care at our nations VA Spinal Cord Injury Centers cannot stand without a review of the underlying reasons, and that the VA must direct the resources to fix the problems in order to comply with the intent of Congress as mandated in the statutes.

In an era of tight budgets, local hospital administrators and managers don't see these programs, such as the Spinal Cord Injury programs, as being "National Programs." Ignoring the national mandates, local managers acting under Dr. Kizer's administrative decentralization guidelines have been left to do whatever they felt was warranted. We may disagree on the numbers of reported beds and staff in SCI centers, but even GAO has criticized the inaccuracy of VA data collection efforts. So, it should not be surprising that a number of Senators have questioned VA's procedures and policies as applied to managing its specialized programs. Paralyzed veterans, I think, are the only true judges of the state of the health care they receive. They are the reason the VA health care system exists. If paralyzed veterans have a concern then the Congress must listen, and more importantly, if warranted we must act on their behalf.

On September 29, 1998, I wrote to my colleague from Pennsylvania Veterans Committee Chairman ARLEN SPECTER expressing my concerns in this matter. I indicated that "I will consider placing a hold on the re-nomination" of Dr. Kenneth Kizer, "until my concern regarding the maintenance of specialized services within the Veterans Health Administration is adequately addressed."

Mr. President, I want to commend Senator SPECTER, and the Committee for its support in this matter. The Committee met every request I had in a timely fashion. Moreover, it helped coordinate a solution acceptable to all parties. America's veterans owe Senator SPECTER a debt of gratitude for his hard work on their behalf.

The solution I had in mind when I wrote to Dr. Kizer was to bring the reins of control for SCI programs back to the National Headquarters level and in the process elevate the controls over policy and resources and restore a greater degree of national guidance and oversight. In doing so, I hoped we would be guaranteeing for some time to come that these changes would meet the needs of our paralyzed veterans and conform to the mandated statutes.

Mr. President, I am pleased to report that Dr. Kizer has responded to my concerns with a suggested list of administrative and policy changes that would bring additional control over the spinal cord injury program.

I request that my letter to Dr. Kizer dated October 5, 1998, and his letter of policy recommendations dated October 8, 1998 be printed in the RECORD immediately following this statement.

I believe I have Dr. Kizer's commitment to a series of positive improvements to our specialized programs. I look forward to seeing the fruits of his labor and those of the departments he supervises. Similarly, and with the help of the Senate Committee on Veterans' Affairs, I intend to keep a close watch on these policy changes and the Spinal Cord Injury Program in particular. I have no intention of letting Aubrey or the other 1830 Spinal Cord dysfunctional veterans in Alabama down. This body needs to make certain that the VA is maintaining its capacity to provide specialized health care services and that it is doing as much as it can to care for all our 26 million veterans—all the time. That has always been the intent of Congress and I am certain it always will be.

The letters follow:

UNITED STATES SENATE,
Washington, DC, October 5, 1998.

Dr. KENNETH W. KIZER, M.D.,
Special Assistant to the Secretary, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC.

DEAR DR. KIZER; I am glad we had a brief chance to speak this afternoon. As I told you, I am ready to remove my hold on your re-nomination for the position of Under Secretary for Health once you clarify for me in writing what action(s) you and the Department intend to take to comply with the statutory mandates for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputation and mental illness) identified in section 1706, Title 38 U.S.C. and staffing requirements in section 7306 (f), Title 38 U.S.C.

VA's massive reorganization efforts coupled with chronic budget pressures have placed great stress on management and patients alike. While many of my colleagues have complimented you on your management initiatives, Alabama's paralyzed veterans are concerned that in the VA's haste to re-engineer itself, managers are shifting vital resources and staff out of specialized programs. I think we would both agree that SCI, blind rehabilitation, amputation care, and special mental health programs are the core of the VA health care system. Alabama veterans over and over again have told me that this type of care cannot be matched anywhere outside VA. Hence, you can well understand why I am interceding on their behalf.

In order for me to release my hold on your re-nomination, I would appreciate your response as soon as possible. In addition to my overall compliance concerns, I would appreciate it if you would specifically address the establishment of a centralized operational authority for the SCI program; the resources and authority necessary to run that program office to include such oversight as treatment guidelines, staffing and bed modeling; relationship to local and regional managers, and compliance reporting procedures or other actions the Department deems necessary to comply with this management structure.

Sincerely,

JEFF SESSIONS,
U.S. Senator.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, October 8, 1998.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: I wanted to follow-up with you in writing to underscore my commitment to maintaining capacity, improving access, and enhancing coordination of care to meet the specialized needs of our most vulnerable veterans. I believe that we do not differ in our views that maintaining the Veterans Health Administration's (VHA) specialized programs is of paramount importance.

As I have said on several occasions, I believe VHA's programs and services for certain special disability groups are the heart of the Department of Veterans Affairs' (VA) health care program. These special VA programs include those for veterans with spinal cord injury, blindness, traumatic brain injury, amputations, serious mental illness and post traumatic stress disorder. It would be unthinkable for VHA to retreat from its commitment to the specialized needs of veterans who rely on VA for these services. Further, it is my intent to take advantage of opportunities to improve and provide better services, as science and new technologies advance.

I share your interest in ensuring that VA is in compliance with current laws related to specialized programs. It is my understanding that the Department currently is in compliance with the law, as outlined below. Additionally, I intend to implement additional measures should I be confirmed for a new 4-year term.

As required by legislation, the Department has submitted two reports to Congress on maintaining our capacity for these specialized programs—one in May 1997 and one in June 1998. Our reports to Congress document compliance with 38 U.S.C. §1706, which requires the maintenance of capacity for specialized services. Nationally, the number of veterans treated in the six programs was maintained or increased for all categories but amputation, which declined by 2%. (Of note, this latter statistic is, in fact, a positive finding since it reflects the greater emphasis that has been placed on preserving limbs, and better management of veterans at risk for amputation, which has resulted in fewer amputations per year.) Still, we recognize that VA's data gathering and validation can be improved and that the multiple data sources and different ways of interpreting data have given rise to several issues and concerns related to reporting capacity. In early December 1998, VA will convene a national data summit to review and find solutions to address these issues, and we are inviting to participate in this conference a wide array of stakeholders (e.g., veterans service organizations, Congress, and the Inspector General) who review our data to assess quality and system improvements.

I understand that you also are concerned about compliance with 38 U.S.C. §7306, which addresses the expertise of VHA Headquarters staff in specialized services. VHA Headquarters staff includes highly qualified representation in all specialized programs: Chief Consultant, Mental Health Strategic Healthcare Group; Chief Consultant, Prosthetics and Sensory Aids Strategic Healthcare Group; Clinical Program Manager, Spinal Cord Injury and Disorders Strategic Healthcare Group; and Director, Blind Rehabilitation Service. These individuals have substantive expertise and policy guidance and provide critical oversight of these specialized programs. In response to a wholly separate inquiry from that raised by your concerns, I have been advised that the VA's General Counsel confirmed VHA's compliance with 38 U.S.C. §7306 in an August 14, 1998, memorandum.

Effective management of our specialized programs is a VHA-wide responsibility. VHA has a management structure that physically places personnel in a decentralized manner, as appropriate. In our experience, we have found that we often get better program leadership when individuals remain clinically active. In the case of the Chief Consultant, Spinal Cord Injury and Disorders, Dr. Margaret Hammond, a national SCI expert, serves in this capacity from the Seattle VA Medical Center. Dr. Hammond's efforts have been widely praised, including by many members of the Paralyzed Veterans of America.

While VA is in compliance with current law, I believe that some additional measures could be taken to reinforce our ongoing commitment to SCI programs. Accordingly, I intend to take the following steps to strengthen Headquarters' role in these matters, should I be reconfirmed for a full term as Under Secretary for Health.

First, decision-making authority for any SCI-related mission changes, construction, staffing, or bed level proposals will be centralized to Headquarters. In the future, before a VISN will be allowed to make changes, it must have the approval of the Under Secretary for Health, following consultation with the Chief Consultant, SCI/D and Chief Officer, Patient Care Services. A directive to all network offices and facilities will be issued to effect this.

Second, national guidelines will be developed so that patient referral procedures are uniform across the VA healthcare system and to ensure that complex specialty care is provided at the appropriate site. Additionally, SCI health care Circular M2, Part 24 will be revised and updated. Dr. Margaret Hammond, Chief Consultant, SCI/D, will lead these efforts, which will involve the full range of stakeholders in the process.

Third, some weeks ago I directed VHA's Chief Officer, Patient Care Services to contract with an outside consultant to look at capacity and quality of VA care for veterans with spinal cord dysfunction. Until this study has been undertaken, reviewed, and evaluated, the expired directive related to nurse staffing levels for SCI units will be reissued. Additionally, to improve oversight and management, the SCI/D Strategic Healthcare Group staff will be increased. The Chief Network Officer will also be asked to identify a single individual among his Headquarters staff to coordinate local SCI issues

with the Chief Consultant SCI/D and the Under Secretary for Health.

Finally, SCI operating beds will be removed from the performance measure for bed occupancy that is contained in network directors' performance contracts, or the measure will be dropped altogether. The following performance indicators related to SCI/D are already in place for fiscal year 1999, and the network directors' accountability for these will be closely scrutinized: admission within 24 hours for acute care; an appointment with a specialist in 7 days; and transfer of semi-emergent care to an SCI unit within two weeks.

In summary, I believe VA services for SCI are already second to none, but we continue to seek opportunities to improve. Currently, VA cares for veterans with spinal cord dysfunction in 23 SCI centers, 29 SCI support clinics, and 120 primary care teams at non-SCI center facilities. With respect to capacity, from fiscal year (FY) 1996 to FY 1997, VA treated 4% more SCI patients and applied 3% more dollars to SCI care, although the number of beds and staff were decreased. A notable improvement in timeliness from FY 1996 to FY 1997 also was achieved for SCI patients. For acute care, meeting the "timeliness for admission' standard (one day) improved from 41% to 91%, and for routine care meeting the 'timeliness of appointments' standard improved from 87% to 100%. It is my intent that the new program enhancements will build upon these measures, resulting in improved clinical outcomes and enhanced quality of care.

Again, thank you for sharing your commitment to VA's services for special veteran populations—a commitment with which I fully concur. Please do not hesitate to contact me if you wish to meet or further discuss these matters.

Sincerely,

KENNETH W. KIZER.

A PLAN TO EDUCATE OUR CHILDREN

• Mr. KERRY. Mr. President, countless hours will be spent in this country, and even on this Senate floor, debating the issues that today fill the front pages of our newspapers. Some of the talk titillates, some of it disgusts—and Mr. President, it's clear that some of it requires the very serious attention of this Senate.

But the tribulations of public life in America today do not provide us sufficient excuses for inaction when it comes to addressing the crises in this country that don't make the front pages, but should. And there can be no excuses for any of us—or for anyone in this country—for our failure to do something to help the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

Mr. President, we know that public education is in trouble—so much trouble that some argue it could implode from the weight and pressure of bloated bureaucracy, stagnant administration and inadequate classroom resources.

These statistics speak not just of a crisis—they speak of our collective failure to come together and do what it takes to give every child in this country a real chance at success. We are stuck both nationally and locally—unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, we have been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work. It's the reason why we spent weeks debating a bill this past spring—the major elementary and secondary education legislation of this 105th Congress—that would put $7 into the pocket of the average public school student in this country—and we called that reform.

No wonder parents are losing faith in our ability to reform public education. No wonder they're looking elsewhere: in too many of our debates, whichever side wins, on whichever bill, our children continue to be the losers. We all need to change that outcome and I respectfully suggest there is a different road we can meet on to make it happen.

That is why I will be introducing in the next Senate the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: "What provides our children with the best education?" And whether the answer is conservative, liberal, or simply practical, we need to commit ourselves to that course.

As we being to chart that new course, I would remind this body of a conviction shared by all of us: no one in America wants the federal government trespassing on a cherished local prerogative. But the federal government can and should leverage resources to schools everywhere; it can help teachers, parents, administrators, and community leaders take up the work they all agree is so badly needed. To say that there is no federal role in education is to call upon the federal government to abandon 50 million children.

I believe this Senate will reject that notion and accept instead legislation to help every school make a new start on their own, an invitation to all parties in the name of saving public education in America. My bill will be built on challenge grants for schools to pursue comprehensive reform and adopt the proven best practices of any other school funds to help every school become an accountable charter school within the public school system; the incentives to make choice and competition a hallmark of our school systems; and the resources to help schools fix their crumbling infrastructure, get serious about crime, end social promotion, restore a sense of community to our schools, and send children to school ready to learn.

My legislation will begin the Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts below the national or state median and leverage local dollars through matching grants. This component of the legislation will aim to make every public school in this country essentially a charter school within the public school system—giving them the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

And my legislation will help us restore accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies. We are a country that believes diversity raises quality. We wouldn't accept one source, one company, one choice of food, or clothing or cable television. It is time we end a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why I'll be proposing that we create an incentive for schools all across the nation to adopt public school choice to the extent logistically feasible.

So if schools will embrace this new framework—every school a charter school in the public school system, choice, competition, and accountability—what then are the key ingredients of their excellence?

My legislation will allow our schools to strip away the bureaucracy that stifles creativity and remember that what counts in any public school is how our students fare academically. You don't identify a good school by the number of administrators you hire. In fact, we impose so many rules and regulations on our schools "from above" that we forget teaching happens "on the ground"—in a school building, in a classroom. But you won't find accountability there because it's been fractured and scattered in hundreds of different offices and titles. We need to restore leadership and accountability and put our faith in our principals—holding them accountable for the way their teachers teach and the way ultimately, their students learn.

That means we need to do better in guaranteeing that every one of our nation's 80,000 principals have the capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. I'll be proposing an "Excellent Principals Challenge Grant" which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today's best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. I will be offering legislation that empowers our states and school districts to find new ways to hire and train outstanding teachers: a Teacher Recruitment Incentive Grant, to raise teachers' salaries and attract a larger group of qualified people into the teaching profession; a Ongoing Education Grant to provide continued training for our nation's teachers.

This legislation will allow states to reconfigure their certification policies and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. My legislation will allow states to rewrite the rules so every principal has the same right as headmasters at private schools—to hire liberal arts graduates as teachers and measure their competency; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

My legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

I hope to build support for this legislation around the consensus that we share a common obligation to build a system where every principal and every teacher in every school can be held accountable. Every parent wants that; every child deserves it. And we should all be held accountable if we are unwilling to make those changes. But I also hope to build a consensus in this Senate that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

I also want to help our schools close the resource gap in public education: helping to fix our crumbling schools with a federal tax credit so that 5,000 school districts can rebuild and modernize their buildings; helping to eliminate the crime that turns too many hallways and classrooms into areas of violence by giving school districts incentives to write discipline codes and create "Second Chance" schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives; helping every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

Mr. President, I am not just asking Democrats and Republicans to meet where our students are and where our children are educated. I will be offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the past in every respect—breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. We know that Congressman OBEY and PORTER in the House have succeeded in establishing promising demonstration projects on comprehensive reform—they know this isn't a partisan issue. And there is no shortage of good ideas or leadership here in the Senate—tireless leadership from Senator MOSELEY-BRAUN on the question of crumbling schools; bi-partisan creativity from Senator COATS and Senator LIEBERMAN with regard to charter schools; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight in this Senate to reauthorize the Higher Education Act and has provided this body with over 30 years of unrivaled leadership and support for education. I have already begun talking about this legislation with colleagues from both sides of the aisle and the response thus far has been positive. Today I will release a detailed outline of the legislative proposals I am developing, and I look forward to working with all of my colleagues here in the Senate to shape legislation that we can all support—bold legislation that sends the message—finally—to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers.

Mr. President, I ask a brief summary of my education plan be printed in the RECORD.

The summary follows:

A PLAN TO EDUCATE AMERICA'S CHILDREN

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

If education reform is to succeed in America's public schools, we must demand nothing less than a comprehensive reform effort. The best public school districts are simultaneously embracing a host of approaches to educating our children: high standards and accountability, sufficient resources, small class sizes, quality teachers, motivated students, effective principals, and engaged parents and community leaders. We must not be half-hearted in our efforts to make reform feasible for every school in this country. We cannot address only one challenge in education and ignore the rest. We must make

available the tools for real comprehensive reform so that every aspect of public education functions better and every element of our system is stronger.

So let us now turn to a bold answer: Let's make every public school in this country essentially a charter school within the public school system. Let's give every school the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and real accountability.

Several schools across the country have devised ways to accomplish this by raising standards to improve student achievement, lowering class size, improving on-going education for teachers, and reducing unnecessary middle-level bureaucracy. Numerous high-performance school designs have also been created such as the Modern Red Schoolhouse program, the Success for All program, and the new American Schools program. The results of extensive evaluations of these programs have shown that these designs are successful in raising student achievement. Studies show that these many of these successful programs cost less than the national median of basic education revenues per pupil for K-12 school districts. If we brought all schools up to the spending level of the national median, all schools could finance these high-performance school designs. Therefore, we should raise spending to the state or the national median, whichever is higher, thereby allowing every school district to finance and implement comprehensive reform based on proven high-performance models and teach students to the highest standards (58 percent of school districts are below either the national or their state median). Although money alone will not solve the problems in poor school districts, it is impossible to solve without adequate resources. Rather than piecemeal, fragmented approaches to reform, the Comprehensive School Reform program is intended to foster coherent schoolwide improvements that cover virtually all aspects of a school's operations.

To ensure that the vast majority of school districts could engage in comprehensive school reform, Title I of the Elementary and Secondary Education Act (ESEA) should also be fully funded. Title I is the primary federal help for local districts to provide assistance to poor students in basic math and reading skills. Title I currently provides help to local school districts for additional staff and resources for reading and math, curriculum improvements, smaller classes, and training poor students' parents to help their children learn to read and do math. However, Title I only reaches two-thirds of poor students because of inadequate funding. Since 90 percent of school districts receive at least some Title I funds, fully funding Title I and allowing school districts to use these additional funds for comprehensive reforms would give schools the ability to implement comprehensive reforms so that all students reach the highest academic standards.

Most poor school districts lack the resources to meet the vital educational needs of all of their students. A well-crafted program with the federal and state governments working in close cooperation with one another could make major studies in closing these gaps and improving student performance.

Comprehensive school reform will help raise student achievement by assisting public schools across the country to implement effective, comprehensive school reforms that are based on proven, research-based models. No new federal bureaucracy would be established—the program would be implemented at the state level. Furthermore, no funds could be used to increase the school bureaucracy. School districts would implement a comprehensive school reform program and evaluate and measure results achieved. Schools would also provide high-quality and continuous teacher and staff professional development and training, have measurable goals for student performance and benchmarks for meeting those goals, provide for meaningful involvement of parents and the local community in planning and implementing school improvement, and identify how other available federal, state, local, or private resources will be utilized to coordinate services to support and sustain the school reform effort.

The funding for the program would move towards the goal of providing every school district in the country enough funds to implement a high quality, performance-based model of comprehensive school reform at a cost of $4,270. This would mean providing enough funds to bring every district up to the state or the national median, whichever is higher (it is estimated that $30 billion annually would be needed to bring the per-pupil expenditure of every school district up to the national or state average). To move towards this goal, the federal government would provide funds and states would match this money (states would provide 10 to 20 percent with poorer states providing a smaller match). To receive these funds, states would have to provide a minimum spending effort based on state and local school spending relative to the state's per capita income. Funding would be $250 million in FY99, $500 million in FY2000, $750 million in FY2001, $1 billion in FY2002 and $4 billion in FY2003.

Fully fund Title I so almost all school districts would receive some funds to implement compressive school reform (90 percent of all local school districts receive Title funds). Funding would be $200 million in FY99, $400 million in FY2000, $600 Million in FY2001, $1 billion in FY202, and $4 billion in FY2003.

TITLE II—ENSURE THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Recent scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits. Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children. We must enhance private, local, and state early successful support programs for young children by providing resources to expand and/or initiate successful efforts for at-risk children from birth to age six.

Provide funds to States to make grants to local early childhood development collaboratives. States would fund parent education and home visiting classes and have great flexibility to decide whether to also support quality child care, helping schools stay open later for early childhood development activities, or health services for young children. Communities would be required to document their unmet needs and how they would use the funds to improve outcomes for young children so they begin school ready to learn. Funding would be $100 million in FY99, $200 million in FY2000, $300 million in FY2001, $400 million in FY2002, and $1 billion in FY2002.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Principals face long hours, high stress, and too little pay. To overcome these obstacles, principals in successful schools must have effective leadership skills. However, too few principals get the training they need in management skills to ensure their school provides an excellent education for every child. Attracting, training, and retaining excellent principals is essential to helping every local school district become world class.

Establish a grant program to states to provide funds to local school districts to attract and to provide professional development for elementary and secondary school principals. Activities would include developing management and business skills, knowledge of effective instructional skills and practices, learning about educational technology, etc. Funding would be $20 million per year. States and local school districts would contribute 25 percent of the total although poor school districts would be exempt from the match.

TITLE IV—ESTABLISH "SECOND CHANCE" SCHOOLS FOR TROUBLED STUDENTS

Parents, students, and educators know that serious school reform cannot succeed without an orderly and safe learning environment. The few students who are unwilling or unable to comply with discipline codes and make learning impossible for the other students need behavior management programs and high quality alternative placements. Suspending or expelling chronically disruptive or violent students is not effective in the long run since these students will fall behind in school and may cause additional trouble since they are frequently completely unsupervised; these students need alternative placements that provide supervision, remediation of behavior and maintenance of academic progress. Although some may resist this program for fear that it will be used to isolate disabled students, the purpose is to provide additional interventions for troubled students, not to change disciplinary actions against disabled students.

Add a new title to the Elementary and Secondary Education Act (ESEA) to establish a competitive state grant program for school districts to establish "Second Chance" programs. To receive the funds school districts must enact district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools may use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Funding would be $100 million per year and distributed to states through the Title I formula.

TITLE V—TEACHER RECRUITMENT AND ON-GOING EDUCATION INCENTIVE GRANT

Approximately 61,000 first-time teachers begin in our nation's public schools each year. Since the average starting salary for teachers is a little more than $21,000 per year, we need to raise their compensation to attract a larger group of qualified people into the teaching profession. Since the average student loan debt of students graduating

college who borrowed money for college is $9,068, the most effective way to provide federal assistance to states to raise teachers' salaries is to provide loan forgiveness. In addition, scholarships ought to be available to the most talented high school students in every state in return for a commitment to teach in our public schools (North Carolina has successfully recruited future teachers from within public high schools with the lure of college scholarships).

States would be given funds to provide poor school districts the ability to raise teacher salaries to attract and retain the best teachers. Funding would be provided through the Title I "targeted grant" formula (the minimum threshold would be 20% poor children or 20,000 poor children). Funding would be $500 million for FY 99, $500 million in FY 2000, $1 billion in FY 2001, $1 billion in FY 2002, and $2 billion in FY 2003. Additionally, full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs would have 20 percent of their student loans forgiven after two years of teaching, an additional 20 percent after three years, an additional 30 percent after four years, and the remaining 30 percent after five years. The program would be funded at $50 million each year. Finally, an additional $10 million would be provided as grants to states that wish to provide signing bonuses for first-time teachers who teach in low-income areas or areas with teacher shortages.

Provide $10 million in grants for states to establish a program to provide college scholarships to the top 20 percent of SAT achievers or grade point average in each state's high school graduating class in return for a commitment to become a state certified teacher for five years. States would contribute 20 percent of the funds for the scholarships. Five percent of the total funds could be used by local school districts to hire staff to recruit at the top liberal arts, education, and technical colleges (districts would be encouraged to establish a central regional recruiting office to pool their resources). One percent of the total funds would be used by the Secretary of Education to create a national hotline for potential teachers to receive information on a career in teaching.

TITLE VI—TEACHER QUALITY ENHANCEMENT GRANTS

We need to provide on-going education in teaching skills and academic content knowledge, establish or expand alternative routes to state certification, and establish or expand mentoring programs for prospective teachers by veteran teachers (according to the National Commission on Teaching and America's Future, beginning teachers who have had the continuous support of a skilled mentor are more likely to stay in the profession).

Establish Teacher Quality Enhancement Grants, a competitive grant awarded to states to improve teaching. The grants would have a matching requirement and must be used to institute state-level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas they are assigned to teach. In addition, establish Teacher Training Partnership Grants, designed to encourage reform at the local level to improve teacher training. One of the uses of these funds would be for states to establish, expand, or improve alternative routes to state certification for highly qualified individuals from other occupations such as business executives and recent college graduates with records of academic distinction. Another use would be to mentor prospective teachers by veteran teachers. Provide $100 million per year for these new teacher training programs so that states can improve teacher quality, establish or expand alternative routes to state certification for new teachers, and mentor new teachers by veteran teachers.

TITLE VII—INVEST IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

As many as five million children are home alone after school each week. Most juvenile involvement in crime—either committing crime or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, however, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behavior. Expansion of both school-based and community-based after-school programs will provide safe, developmentally appropriate environments for children and help communities reduce the incidents of juvenile delinquency and crime. In addition, many states and localities such as Maryland and the Chicago public school system require high school students to perform community service to receive a high school diploma. The real world experience helps prepare students for work and instills a sense of civic duty.

Expand the 21st Century Learning Centers Act by providing $400 million each fiscal year to help communities provide after-school care. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used by school districts to provide: literacy programs; integrated education, health, social service, recreational or cultural programs; summer and weekend school programs; nutrition and health programs; expanded library services, telecommunications and technology education programs; services for individuals with disabilities; job skills assistance; mentoring; academic assistance; and drug, alcohol and gang prevention activities.

Provide $10 million in grants to states that have established or chose to establish a state-wide or a district-wide program that requires high school students to perform community service to receive a high school diploma. States would determine what constitutes community service, the number of hours required, and whether to exempt some low-income students who hold full-time jobs while attending school full-time. The grants would be matched dollar for dollar with half of the match coming from the state and local education agencies and half coming from the private sector.

TITLE VIII—EXPAND THE NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

The National Board for Professional Teaching Standards, which is headed by Gov. Jim Hunt, established rigorous standards and assessments for certifyuing accomplished teaching. To pass the exam and be certified, teachers must demonstrate their knowledge and skills through a series of performance-based assessments which include teaching portfolios, student work samples, videotapes and rigorous analyses of their classroom teaching and student learning. Additionally, teachers must take written tests of their subject-matter knowledge and their understanding of how to teach those subjects to their students. The National Board certification is offered to teachers on a voluntary basis and complements but does not replace state licensing. The National Commission on Teaching for America's Future called for a goal of 105,000 board certified teachers by the year 2006 (since the exam began recently, only about 2,000 teachers are currently board certified). Since the exam costs $2,000, many teachers are currently unable to afford it.

Provide $189 million over five years so that states have enough money to provide a 90% subsidy for the National Board certification of 105,000 teachers across the country.

TITLE IX—HELP COMMUNITIES TO MODERNIZE AMERICA'S SCHOOLS

More than 14 million children in America attend schools in need of extensive repair or replacement. According to a comprehensive survey by the General Accounting Office (GAO) requested by Senator Moseley-Braun, Sentor Kerry and others, the repair backlog totals $112 billion. Researchers at Georgetown University found that the performance of students assigned to schools in poor condition fall by 10.9 percentage points below those in buildings in excellent condition.

To help rebuild modernize, and build over 5,000 public schools, provide federal tax credits to school districts to pay interest on nearly $22 billion in bonds at a cost of $5 billion over five years.

TITLE X—ENCOURAGE PUBLIC SCHOOL CHOICE

Many public schools have implemented public school choice programs where students may enroll at any public school in the public school system. In contrast to vouchers for private schools, public school choice increases options for students but does not use public funds to finance private schools which remain entirely unaccountable to taxpayers.

Provide $20 million annually in grants to states that choose to implement public school choice programs. School districts could spend the funds on transportation and other services to implement a successful public school choice program. Up to 10 percent of the funds may be spent by a school district to improve low performing school districts that lose students due to the public school choice program.•

CAMBODIA: WHERE DO WE GO FROM HERE?

• Mr. McCONNELL. Mr. President, I rise today to discuss the latest developments in Cambodia and my thoughts on how the United States should respond to these developments.

Over the past decade the United States has contributed hundreds of millions of dollars towards peace in Cambodia. What benefit has been achieved as a result of this assistance? Is Cambodia better off now than it was 10 years ago? I would argue that recent political developments have undercut most gains this assistance may have provided—and worse, our own policies have contributed to the most recent deterioration considerably.

On July 26 of this year, the Cambodian people turned out in overwhelming numbers to vote in parliamentary elections. The ruling government pointed to this impressive turnout and claimed it was representative of a free and fair process. In fact, the election was termed by one American observer as the "Miracle on the

Mekong." With all due respect, I question how any informed observer could make that evaluation. For one to believe this appraisal, one must completely ignore the events dating from the 1997 coup.

In truth, the events which lead up to the July 26 balloting made the prospects for free and fair elections impossible. The opposition parties infrastructure had been completely dismantled following the July 1997 coup d'etat, orchestrated by Hun Sen and his Cambodian Peoples Party (CPP). As many as 100 opposition party members were reported killed, and those who remained in Cambodia were forced to campaign in fear if they dared speak out at all. The CPP controlled access to media and thereby prevented opposition candidates from effectively getting their message out. The National Election Commission (NEC), which had oversight of the election process, was stacked almost entirely with CPP party loyalists. Each of these factors on their own would be troubling, but when looked at collectively they are an outrageous example of a government which acts with impunity and has no regard for democratic principles.

Despite this reality, the Clinton Administration joined many in the international community, including the so-called "Friends of Cambodia," in pushing the parties to participate in the July 26 elections. I thought then, and I continue to believe now, that this was a mistake. To use an old phrase—with "Friends" like these, who needs enemies? How could we ask these brave men and women to risk their lives and take part in a process which was doomed to failure? To make matters worse, the U.S. Government now seems bent on ignoring the reality of the flawed election. Rather, it is pushing opposition leaders to participate in a parliament at the mercy of a brutal dictator who has no regard for the rule of law. So, in the end, the United States has invested hundreds of million of dollars and the Cambodian people have little to show for our efforts.

Mr. President, since July 26th, the environment has actually deteriorated rather than improved. Opposition leaders filed hundreds of protests with the National Election Commission, only to see each of these complaints dismissed without consideration. Legitimate claims of fraud have been ignored as the CPP seeks to cement its claim to so-called "legitimate" authority. Let's examine a few of these problems:

Prior to the July ballot, the NEC secretly and without debate changed the formula by which parliament seats would be assigned. Only after the votes were tabulated was this new formula announced. To no one's surprise, the result was an additional five seats for Hun Sen's party, thereby preventing CPP from being in the minority. Had the original formula been in place, the parties of Prince Ranariddh and Sam Rainsy could have combined their seats to form a majority of parliament.

Only July 27, as ballots were being processed, the NEC ordered the counting stopped. According to a senior member of the NEC, this halt in the proceedings occurred because the opposition parties had taken the lead. Not surprisingly, when counting was renewed, CPP regained control and went on to be credited with 41 percent of the total vote.

Finally, the violence continues. Immediately following the election, largely peaceful demonstrations broke out in downtown Phnom Phen. CPP armed thugs and soldiers broke up the demonstrations and dismantled the symbolic "democracy square" located near the National Assembly. Opposition leaders were subject to a travel ban and intimidation tactics. Finally, and most alarmingly, several Buddhist monks were murdered and reportedly tortured.

Mr. President, the question must be asked, how should the United States proceed in the face of these developments? I believe there are several concrete steps we can and must take to send the signal that we will not tolerate Hun Sen's brutal disregard for his own nation and people.

Number one, we must continue to withhold direct assistance to the Cambodian Government. This year's foreign operations appropriations bill will do just this. Only when each of the election disputes have been dealt with could aid be released.

Number two, we must not appoint an Ambassador to succeed Ambassador Quinn. Many in the opposition have already spoken out against the current nominee and I share their concerns. However, regardless of the nominee, we should send a strong signal to Hun Sen that we will not recognize his illegitimate government. Mr. President, I ask unanimous consent to insert a letter from Prince Norodom Ranariddh and Sam Rainsy, leaders of the two most active opposition parties. In this letter, they detail not only the election disputes, but their opposition to the current nominee to be ambassador to Cambodia.

Number three, the United States should identify Hun Sen for what he is, a criminal. Congressman ROHRABACHER has introduced a resolution in the House which calls on the United States to assist in the collection of information that would lead to trying Hun Sen before an international tribunal for violation of human rights. I think Congressman ROHRABACHER should be commended for his leadership, and I am hopeful similar legislation will pass in the Senate this year.

Finally, we should oppose the current Cambodian government being allowed a seat at the United Nations.

These steps are essential to staking out America's position as a defender of democracy and rule of law in Cambodia. Strong actions by the U.S. Government can give hope to the heroic members of the opposition as they continue to strive for democracy in the face of repression.

Before I yield the floor, I will ask unanimous consent that remarks from opposition leader Sam Rainsy be printed in the RECORD. Mr. Rainsy was invited and prepared to appear before the subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee earlier this week, but at the last minute was not allowed to testify due to objections raised by some on the committee. Mr. President, this is a shame.

Sam Rainsy, along with Prince Ranariddh and Son Soubert represent the leaders of those who are working to establish democracy and respect for human rights and rule of law. Had this not been the final hectic week of our Congressional session I would have welcomed the opportunity to host Sam Rainsy before the Foreign Operations Committee. Absent that opportunity, I believe it is important that the Senate have the ability to review Mr. Rainsy's statement, and accordingly I renew my request that his remarks be printed in the RECORD.

The remarks follow:

DEAR SENATOR HELMS: This letter is an appeal to you and your Committee to take immediate action in condemning the recent bloodshed in Cambodia caused by soldiers and police loyal to Hun Sen. Over the past few days, many protestors have been injured and Buddhist monks killed as these forces have tried to silence the Cambodian people. We ask you what kind of government murders Buddhist monks?

We do not recognize the results of the July election. The Cambodian People's Party's (CPP) domination of the Constitutional Council and the National Election Committee have created a grossly uneven playing field. Our appeals and complaints of vote fraud and counting irregularities have been dismissed out of hand and in violation of law. Make no mistake, Cambodia is a country ruled by a single man intent on destroying any and all political opposition. Since last year's coup d'etat, scores of our supporters have been murdered, beaten, and intimidated by Hun Sen's loyalists.

It is imperative that the United States continue to take a principled stand in Cambodia. To this end, we ask that the U.S. Congress continue to suspend official assistance to the current government—formed by a coup—until the current crisis is resolved. More than anything, if Hun Sen were to succeed in securing international legitimacy and the resumption of aid, it would be nothing less than a reward for his lawless and repressive ways. We ask that the U.S. Congress and Administration condemn the use of violence in the strongest of terms. Too many people have died in the hands of reckless Cambodian leaders, like Hun Sen and Pol Pot. Finally we urge you not to replace Ambassador Kenneth Quinn after his term expires in Phnom Penh, and certainly not with Kent Wiederman who we believe may be less than supportive of the cause of democracy in Cambodia. The position should be left vacant as a message to Hun Sen that there are no

rewards for corruption, manipulation of elections, and violence. We know a precedent exist for such action in neighboring Burma.

We thank you for your consideration of our views, and we remain committed to bringing about peaceful, democratic change in Cambodia.

Yours Sincerely,

PRINCE NORODOM RANARIDDH,
President, FUNCINPEC.

SAM RAINSY,
President, The Sam Rainsy Party.

REMARKS BY SAM RAINSY, PRESIDENT, SAM RAINSY PARTY, CAMBODIA—SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS, SENATE COMMITTEE ON FOREIGN RELATIONS, OCTOBER 2, 1998

Mr. Chairman, it is a distinct and unique pleasure for me to appear before you today. I am honored to inform this Subcommittee of the political situation in Cambodia following the July parliamentary elections and to highlight the important role the United States can play in bringing democracy, the rule of law, and lasting peace to my country.

The last few months, weeks, and days have been among the most difficult of my life, and it has been equally trying for all Cambodians who support democracy. I know this Subcommittee is familiar with the brutal crackdown of pro-democracy demonstrators in Phnom Penh by forces of the Cambodian People's Party (CPP). Buddhist monks and students have been found tortured and murdered, and many continue to be missing. I know you are familiar with the illegal and unconstitutional travel ban that prevented me and all opposition members from leaving Cambodia one week ago—a ban that was personally instituted by Hun Sen. And I know that you are aware of the CPP-biased election machinery that denied opposition parties due process in the counting of ballots and resolution of election complaints.

There is no one more disappointed and saddened by the total failure of the July elections than myself. However, the opposition in Cambodia warned from the very beginning that democracy cannot be built on an undemocratic foundation that lacks the rule of law. Throughout the electoral process—even before we returned to Phnom Penh from exile in Bangkok—we pointed out to the international community many serious flaws in the political environment and in election preparations. For example, our party structures and property had been totally destroyed or looted during Hun Sen's July 1997 coup d'etat, and our membership was traumatized. I could not agree more with the characterization of the pre-election period as "fundamentally flawed."

Mr. Chairman, we were reluctant participants in this election and at one point even withdrew from the process. But under heavy pressure, we accepted the assurances of the international community that the elections would be assessed fairly. We were wrong in accepting these assurances, and today Cambodia is on the brink of affirming the rule of man, not instituting the rule of law. I know this to be true, as I spent ten days under the protection of the United Nations in Phnom Penh because of Hun Sen's pointed threats.

The United Nations and many other sponsors and observers of the election did not effectively challenge the conditions that made a fair election impossible. Throughout the campaign, our activists were harassed, threatened, and killed with complete impunity. While the United Nations has done a commendable job in documenting the abuses of the Cambodian government, not one human rights violator has been prosecuted. And the killings and torture continue.

Other shortfalls in the elections included limited and unequal access to state controlled media, an election framework that was biased and that lacked transparency, a recounting process that failed to conduct recounts, a reluctance to reconcile all ballots, and an illegal change in the method for seat allocation that gave the ruling party a majority of seats with only 41 per cent of the official vote.

The burden of proof that this election was legitimate no longer lies with the opposition—as some asserted immediately after the polls closed—it is now the responsibility of Hun Sen and the CPP.

The Cambodian people are confused, frustrated and angry. They don't understand why many in the international community are supporting the announced election results and pressuring the opposition to join a coalition. Why isn't the Cambodian government pressured into obeying Cambodian laws and its Constitution?

If the opposition is forced into a coalition without being able to resolve underlying problems, Cambodia will continue to be under the complete control of Hun Sen. History has shown that he will do whatever it takes to stay in power. Over the past five years, under Hun Sen's leadership, Cambodia has had unrestrained corruption, human rights violations, and environmental destruction. He kept his political opposition in check while building up his own political and military machine, in part, by making deals with some of the worst Khmer Rouge leaders and incorporating them into the government. Anyone who thought Hun Sen was the solution to Cambodia's problems or that he offered "stability" should know better by now.

I understand all of Cambodia's problem cannot be solved at once, and the opposition has demonstrated its willingness to compromise. However, there are some issues where compromise is impossible, such as the resolution of election related disputes before a coalition government is formed and the development of an independent judiciary that enforces and protects the rights of all citizens, not only members of the CPP.

Without proper and full resolution of election complaints, the elections will have no credibility among the Cambodian people. For better or for worse, the Cambodian people look to the United States as the standard-bearer of democracy and the conscience of the world. It was the United States that took Hun Sen's coup seriously last year and the U.S. Congress that acted so swiftly to restrict official foreign assistance to Cambodia. The reaction of Congress was one of the few times that Hun Sen has received a message from the international community other than one of accommodation.

Hun Sen expect that the world will legitimize his rule through these elections and cloak his dictatorial behavior in the mantle democracy. Cambodian democrats are asking the United States to be the standard-bearer again while there is still a chance to get Cambodia back on the road to democracy. We call upon the United States to: make it clear that it will refuse to recognize any Cambodian government that is formed prior to the resolution of election-related complaints filed by opposition parties, or any government formed under duress; strongly condemn the Cambodian government for its human rights abuses and ongoing intimidation of opposition activists; continue to withhold official aid, as it is currently doing, and to oppose IMF and other multilateral lending. Let me make clear that humanitarian and demining assistance should continue; vote to keep Cambodia's UN seat vacant and to oppose other international recognition; leave the U.S. ambassador's post vacant after the departure of Ambassador Kenneth Quinn until a credible government is formed and to ensure that next U.S. ambassador is someone with strong credentials as a supporter of democrats; intensify efforts to deter the Cambodian government's role in illegal logging, drug-trafficking, money-laundering and acts of terrorism such as the grenade attack on march 30, 1997 that killed at least 16 people; and, make public the Federal Bureau of Investigation's report into the March 1997 grenade attack.

Mr. Chairman, as a target of assassination in 1997 and again just a few weeks ago outside of the Ministry of Interior, I know how dangerous Cambodian politics can be. The United States has an opportunity to make an historic contribution to Cambodia's future by demonstrating its leadership and supporting democracy and human rights. Today, I look to you for hope and assistance.

Thank you for the opportunity to testify.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

PATIENT'S BILL OF RIGHTS

• Mr. HOLLINGS. Mr. President, because of my schedule I was unable to attend the vote to table the Patients' Bill of Rights. The tabling of this legislation was wrong. We are telling the American people that the insurance industry is more important than the patients. We must not let the insurance companies take the place of family physicians in deciding what is appropriate care for patients.

Let me share with my colleagues a situation that occurred in South Carolina. Ms. Lisa Baughman lives in Charleston. She has a type of cancer called "multiple myeloma." Her doctors at the Medical University of South Carolina are the best in the country at treating her particular condition, and they gave her chemotherapy in preparation for a bone marrow transplant.

That is not a light matter, Mr. President. Anyone who has ever watched a friend or relative fight cancer knows it is serious and takes courage, prayer, and all the support you can find to go through that.

Her doctors did what doctors have to do now. They called the insurance company and got "pre-approval" that the bone marrow transplant would be covered.

But the day before the operation, the insurance company said she could not have the operation in her home town with her expert doctors. She would have to fly to another state because the insurer had a contract with a different hospital that was cheaper. This was literally the day before the operation. Can you imagine the mental anguish of going through chemotherapy,

coming to the day before a bone marrow transplant, and then being told "not now, not with your doctor, not in your state, not in your home town, who knows when"—all with your life hanging in the balance?

Her doctors protested that she was too weak and needed immediate treatment. The hospital in Charleston offered to do the operation for equal or less payment than the out-of-state hospital. But the insurer would not yield and tried to fly her alone, holding her medical files in her wheelchair, to the other hospital. She got them to approve a relative to accompany her.

When she arrived, there was no one to meet her at the airplane with a wheelchair, no hotel room reservation, indeed, no "room at the inn." These things had been promised.

So she eventually showed up at an appointment with the new doctor chosen by the insurance company to learn about her case. He said he couldn't do the operation for another three weeks, but that she should be getting her care in Charleston, South Carolina at the Medical University because they had the best people. In fact, he had been taught by the surgeon in Charleston.

She had no choice but to fly home. She contracted pneumonia in her weakened condition and is in the hospital right now, trying to recover. Because of the delay, she has to go through chemotherapy again before she can have the operation.

That should not happen in America. No one should be forced to go through chemotherapy twice because an insurance company overrides an expert surgeon's orders and delays critical medical treatment. It should not happen, and there is no one in this world who can do anything about it except the United States Congress.

Because of a Federal statute insurers cannot be sued for making injurious medical decisions and are not accountable to many state requirements. I do not know what we tell someone like Lisa Baughman if we go home this year without fixing this problem we created.

Congress has stood by and watched while "managed" health care has taken over. Perhaps that was the wisest course for a while, because we do not have all the solutions. But if we do not agree on basic groundrules for fairness, patients have no protection and it is a race to the bottom. We cannot blame HMO's, insurance, or anything else if the Congress continues to refuse to act.

Let me list some of the groundrules that we should enact with the Patients' Bill of Rights:

People trained in medicine, not accountants should make life and death medical decisions. Every patient should know their doctor is free to give his or her best advice and decide the best course of treatment, without restriction from the insurance company.

Every patient should know that specialty care is available if needed.

Citizens should know when they go to the emergency room, that their insurance will pay instead of haggling over the bill and denying payment afterwards. The last thing someone needs while rushing a sick child to the emergency room is a gnawing worry about payment.

Women should be able to visit their OB/Gyn without going through a gatekeeper.

People with longterm illnesses also should be able to see their specialists without getting a referral every time. People pay premiums to get health care, not a runaround.

Some people say this is radical socialized medicine, but I think people see through that. This argument is an old red herring and it is starting to smell.

What we are talking about with this Patients Bill of Rights is just the health care we always thought we had, but now it is being taken away. I have spent decades pushing medical research and building the medical research base in South Carolina. I was trying to build expertise in life-saving treatments in my home state so my constituents could be cared for, not so they could be denied and sent somewhere else on a day's notice.●

BEST WISHES TO DR. DAVID A. SPENCER

● Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. David A. Spencer, President and CEO of Walsh College, on his new appointment as president of the newly formed Michigan Virtual University.

Dr. Spencer has brought new ideas, enthusiasm, and a love for innovative learning to Walsh College. His vision of the future of Walsh College had no limits. And while he helped make Walsh College a world-class business institution, he made sure to showcase the brilliance and innovation of the students and faculty. This is a man who is not only creative and thoughtful, but willing to share credit that he deserves with many, many others.

I, personally, will hate to see David leave Walsh College. He has been an invaluable partner to me and my office in our efforts to reach out to and learn more about the Michigan business community. We worked hand-in-hand on an annual small business conference through which I have gathered extremely valuable information about the needs of the business community. On many occasions, I have been able to use the information I gathered at these conferences as examples during legislative debates. These conferences have also helped illustrate to me the most important legislative priorities of the business community. David Spencer was invaluable in putting together these innovative, informative conferences.

David is one of those people who believes anything is possible through technology. I am confident that he is the right person to lead the Michigan Virtual University. Walsh College will surely miss him. My staff and I will miss having him here, but I am hopeful that his new position as president of the Michigan Virtual University we will have many new opportunities to work together.

I wish Dr. David Spencer much continued success.●

CONCERN OVER RECENT DEVELOPMENTS IN IRAQ

● Mr. LEVIN. Mr. President, today, along with Senators MCCAIN, LIEBERMAN, HUTCHISON and twenty-three other Senators, I am sending a letter to the President to express our concern over Iraq's actions and urging the President "after consulting with Congress, and consistent with the U.S. Constitution and laws, to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraqi sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs."

At the outset, I believe it would be useful to review the events that led up to the requirement for the destruction of Iraq's weapons of mass destruction programs. At the time that Iraq unlawfully invaded and occupied its neighbor Kuwait, the UN Security Council imposed economic and weapons sanctions on Iraq.

After Iraqi forces had been ousted from Kuwait by the U.S.-led coalition and active hostilities had ended, but while coalition forces were still occupying Iraqi territory, the UN Security Council, acting under Chapter VII of the UN Charter, conducted a review of Iraq's history with weapons of mass destruction and made a number of decisions in April 1991 to achieve its goals, including a formal cease fire.

With respect to Iraq's history, the Security Council noted Iraq's threat during the Gulf War to use chemical weapons in violation of its treaty obligations, Iraq's prior use of chemical weapons, Iraq's use of ballistic missiles in unprovoked attacks, and reports that Iraq attempted to acquire materials for a nuclear weapons program contrary to its treaty obligations.

After reviewing Iraq's history, the Security Council decided that "Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision" of its weapons of mass destruction programs and all ballistic missiles with a range greater than 150 kilometers and conditioned the lifting of the economic

and weapons sanctions on Iraq's meeting its obligations, including those relating to its weapons of mass destruction programs.

To implement those decisions, the Security Council authorized the formation of a Special Commission, which has come to be known as UNSCOM, to "carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself" and requested the Director General of the International Atomic Energy Agency (IAEA) to carry out similar responsibilities for Iraq's nuclear program. Additionally, the UN Security Council decided that Iraq shall unconditionally undertake not to use, develop, construct or acquire weapons of mass destruction and called for UNSCOM to conduct ongoing monitoring and verification of Iraq's compliance. The detailed modalities for these actions were agreed upon by an exchange of letters in May 1991 that were signed by the UN Secretary General, the Executive Chairman of UNSCOM and the Minister of Foreign Affairs of Iraq.

Thus, Iraq unconditionally accepted the UN Security Council's demands and thereby achieved a formal cease-fire and the withdrawal of coalition forces from its territory.

Mr. President, UNSCOM has sought to carry out its responsibilities in as expeditious and effective way as possible. UNSCOM Executive Chairman Richard Butler and his teams, however, have been confronted with Iraqi obstacles, lack of cooperation and lies. As UNSCOM has noted in its own document entitled "UNSCOM Main Achievements": "UNSCOM has uncovered significant undeclared proscribed weapons programmes, destroyed elements of those programmes so far identified, including equipment, facilities and materials, and has been attempting to map out and verify the full extent of these programmes in the face of serious efforts to deceive and conceal. UNSCOM also continues to try to verify Iraq's illegal unilateral destruction activities. The investigation of such undeclared activities is crucial to the verification of Iraq's declarations on its proscribed weapons programmes."

Mr. President, I will not dwell on the numerous instances of Iraq's failure to comply with its obligations. I would note, however, that in accepting the February 23, 1998 Memorandum of Understanding that was signed by the UN Secretary General and Iraq's Deputy Foreign Minister, that ended Iraq's prior refusal to allow UNSCOM and the IAEA to perform their missions, the UN Security Council warned Iraq that it will face the "severest consequences" if it fails to adhere to the commitments it reaffirmed in the MOU. Suffice it to say that on August 5, 1998, Iraq declared that it was suspending all cooperation with UNSCOM and the IAEA, except some limited monitoring activities.

In response, on September 9, 1998, a unanimous UN Security Council condemned Iraq's action and suspended its sanctions' reviews until UNSCOM and the IAEA report that they are satisfied that they have been able to exercise their full range of activities. Within the last week, Iraq's Deputy Foreign Minister refused to rescind Iraq's decision. Throughout this process and despite the unanimity in the UN Security Council, Iraq has depicted the United States and Britain as preventing UNSCOM and the IAEA from certifying Iraqi compliance with its obligations.

To review, Iraq unlawfully invaded and occupied Kuwait, it's armed forces were ejected from Kuwait by the U.S.-led coalition forces, active hostilities ceased, and the UN Security Council demanded and Iraq accepted, as a condition of a cease-fire, that its weapons of mass destruction programs be destroyed and that such destruction be accomplished under international supervision and permanent monitoring, and that economic and weapons sanctions remain in effect until those conditions are satisfied.

Mr. President, by invading Kuwait, Iraq threatened international peace and security in the Persian Gulf region. By its failure to comply with the conditions it accepted as the international community's requirements for a cease-fire, Iraq continues to threaten international peace and security. By its refusal to abandon its quest for weapons of mass destruction and the means to deliver them, Iraq is directly defying and challenging the international community and directly violating the terms of the cease fire between itself and the United States-led coalition.

Mr. President, it is vitally important for the international community to respond effectively to the threat posed by Iraq's refusal to allow UNSCOM and the IAEA to carry out their missions. To date, the response has been to suspend sanctions' reviews and to seek to reverse Iraq's decision through diplomacy.

Mr. President, as UN Secretary General Kofi Annan noted when he successfully negotiated the memorandum of agreement with Saddam Hussein in February, "You can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed up by fairness and force." It is my sincere hope that Saddam Hussein, when faced with the credible threat of the use of force, will comply with the relevant UN Security Council Resolutions. But, I believe that we must carefully consider other actions, including, if necessary, the use of force to destroy suspect sites if compliance is not achieved.

Mr. President, the Iraqi people are suffering because of Saddam Hussein's noncompliance. The United States has no quarrel with the Iraqi people. It is most unfortunate that they have been subjected to economic sanctions for more than seven years. If Saddam Hussein had cooperated with UNSCOM and the IAEA from the start and had met the other requirements of the UN Security Council resolutions, including the accounting for more than 600 Kuwaitis and third-country nationals who disappeared at the hands of Iraqi authorities during the occupation of Kuwait, those sanctions could have been lifted a number of years ago. I support the UN's oil-for-food program and regret that Saddam Hussein took more than five years to accept it. In the final analysis, as the Foreign Ministers of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, comprising the Gulf Cooperation Council stated at the time of the February crisis: "responsibility for the result of this crisis falls on the Iraqi regime itself."

I ask that the letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 9, 1998.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern over recent developments in Iraq.

Last February, the Senate was working on a resolution supporting military action if diplomacy did not succeed in convincing Saddam Hussein to comply with the United Nations Security Council resolutions concerning the disclosure and destruction of Iraq's weapons of mass destruction. This effort was discontinued when the Iraqi government reaffirmed its acceptance of all relevant Security Council resolutions and reiterated its willingness to cooperate with the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA) in a Memorandum of Understanding signed by its Deputy Prime Minister and the United Nations Secretary General.

Despite a brief interval of cooperation, however, Saddam Hussein has failed to live up to his commitments. On August 5, Iraq suspended all cooperation with UNSCOM and the IAEA, except some limited monitoring activity.

As UNSCOM Executive Chairman Richard Butler told us in a briefing for all Senators in March, the fundamental historic reality is that Iraq has consistently sought to limit, mitigate, reduce and, in some cases, defeat the Security Council's resolutions by a variety of devices.

We were gratified by the Security Council's action in unanimously passing Resolution 1194 on September 9. By condemning Iraq's decision to suspend cooperation with UNSCOM and the IAEA, by demanding that Iraq rescind that decision and cooperate fully with UNSCOM and the IAEA, by deciding not to conduct the sanctions' review scheduled for October 1998 and not to conduct any future such reviews until UNSCOM and the IAEA, report that they are satisfied that they have been able to exercise the full

range of activities provided for in their mandates, and by acting under Chapter VII of the United Nations Charter, the Security Council has sent an unambiguous message to Saddam Hussein.

We are skeptical, however, that Saddam Hussein will take heed of this message even though it is from a unanimous Security Council. Moreover, we are deeply concerned that without the intrusive inspections and monitoring by UNSCOM and the IAEA, Iraq will be able, over time, to reconstitute its weapons of mass destruction programs.

In light of these developments, we urge you, after consulting with Congress, and consistent with the U.S. Constitution and laws, to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraq sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruction programs.

Sincrely,

Carl Levin, Joe Lieberman, Frank R. Lautenberg, Dick Lugar, Kit Bond, Jon Kyl, Chris Dodd, John McCain, Kay Bailey Hutchison, Alfonse D'Amato, Bob Kerrey, Pete V. Domenici, Dianne Feinstein, Barbara A. Mikulski.

Thomas Daschle, John Breaux, Tim Johnson, Daniel K. Inouye, Arlen Specter, James Inhofe, Strom Thurmond, Mary L. Landrieu, Wendell Ford, John F. Kerry, Chuck Grassley, Jesse Helms, Rick Santorum.•

TRIBUTE TO NORTEL NETWORKS

• Mr. FAIRCLOTH. Mr. President, I rise today to congratulate one of North Carolina's good corporate citizens for receiving two prestigious international awards this week. Nortel Networks is a global supplier of telecom and data networking solutions and has been an employer in North Carolina since 1974. They employ over 9,000 people in the Raleigh-Durham area, over 32,000 employees across the United States and approximately 80,000 people in over 150 countries. Over 40 percent of Nortel Networks' worldwide revenues are generated from their facilities in Raleigh-Durham.

Nortel Networks' CEO John Roth received "The Emerging Markets CEO of the Year Award," which acknowledges companies whose expansion into emerging markets has contributed significantly to the corporation and has benefitted the countries involved. This award was presented at a special event during the IMF/World Bank annual meeting this week in Washington.

Nortel Networks was also recognized this week as "The World's Most Global Company" in the electricals sector, by the editors of Global Finance, a magazine known for its reporting of world financial matters. Other companies who have received this award in the past include IBM, Citibank, Reuters, and Avon.

These awards are well deserved. A country's communications structures, capabilities and services—its "infostructure"—is directly linked to its standard of living. The network technologies Nortel Networks has brought to emerging markets has helped improve the standard of living for the citizens of these countries, providing them a much faster ascent into the 21st Century. Advanced network technologies promise greater opportunities to improve their education and health care, as well as expand business and employment.

I hope my colleagues will join me in congratulating this world leader which also happens to be a stellar North Carolina corporation.•

MISS MICHIGAN SHANNON GRACE CLARK

• Mr. ABRAHAM. Mr. President, I rise today to honor Shannon Grace Clark, who was crowned as Miss Michigan USA 1999 on Sunday, May 24, 1998.

I am very proud to have her represent the State of Michigan, for Shannon is a shining example of service above self. Through her dedication to family, church and local community, she has made a tremendous impact on helping those who are less fortunate in society, enabling them opportunities of self-sufficiency.

Her role has enabled her many opportunities, however, Shannon has shared them with homeless women and children throughout the State of Michigan. She has tirelessly dedicated herself to directly assisting those in need and to heightening public awareness to the importance of helping people facing unfortunate circumstances.

Shannon's platform "People Helping People," comes to her naturally because she comes from a family dedicated to the importance of family, church and local community. Her parents, the Reverend and Dr. Pam Clark run the Pontiac Rescue Mission, a homeless and rehabilitation center in Pontiac, Michigan, which helps reclaim and rehabilitate the downtrodden of society.

Through the program, Reverend and Doctor Clark designed and implemented, many individuals have reclaimed their lives, strength, pride, character, their children and themselves. They have developed into productive members of society, and loving families, free from the chains of addiction and destructive lifestyles.

To build upon the accomplishments of her parents, she has formed a committee to raise additional financial support for the women and children program at the Pontiac Rescue Mission. Her efforts indeed are a fine model of leadership and selfless dedication that will help those in need as well as serving as an example for those to follow.

I want to express my congratulations to Shannon Grace Clark and wish her luck in the Miss USA pageant in February. Most importantly, I would like to thank her for her commitment to those who are less fortunate in society.•

TRIBUTE TO WALTER SONDHEIM, JR.

• Mr. SARBANES. Mr. President, this past July Walter Sondheim, Jr., one of Maryland's most distinguished citizens, celebrated his 90th birthday with family and friends in Baltimore. It is an accomplishment for anyone to reach this chronological milestone, but in this instance, Walter's nine decades have marked an extraordinary record of unparalleled public service to Baltimore and the State of Maryland.

As a successful business executive, Walter Sondheim has served in "volunteer" public service positions on important state and local boards and commissions and as an advisor to Mayors and Governors for the last half century. His grace, good humor, extraordinary intelligence, and dedication have been powerful and good influences for progress and unity in Maryland.

Achieving 90 years of age for most "normal" individuals, with rare exception, implies retirement or reduced activity. But among the several articles I am inserting in today's CONGRESSIONAL RECORD is an announcement in the July 30 edition of the Washington Post that Walter was unanimously elected to become the new President of the Maryland Board of Education. This public demonstration of confidence is a continuing vindication of his effectiveness in undertaking difficult tasks.

I am also including an article from the July 25 Baltimore Sun which describes Walter's exceptional and inspiring life of service. I know I express the deep appreciation of his fellow Marylanders for his many decades of commitment and their best wishes in his latest and most significant assignment. I ask that these articles be inserted at this point in the RECORD, and I yield the floor.

The article follows:

[From the Baltimore Sun, July 25, 1998]

NOT THE RETIRING TYPE

(By M. Dion Thompson)

Walter Sondheim is on the phone, trying to get out of being interviewed. He can't understand why the city's newspaper is coming around, yet again, to get the tale of his life. Who cares, he says.

Yes, he is turning 90, and that is worth remarking on. But all this fuss, the parties, the inquiring journalist. Is it really necessary? Still, after only the slightest bit of nudging, he relents, which is to be expected because, after all, Walter Sondheim is a nice guy.

On the scheduled day, he takes a seat behind the desk of his 15th floor office at Baltimore's Legg Mason Tower and makes one last halfhearted try.

"Why waste the time? It really is embarrassing, because I think my friends who know me well figure. 'There he goes again,'" he says, then gets down to business. "Now, what do you want? . . . What's on your mind? I feel sorry for you."

He is painfully modest, sometimes excruciatingly so. For 50 years he has been the consummate citizen, advisor to mayors and governors, a steady presence in his city's decades-long resurgence. He led the school board

during desegregation. He was chairman of Charles Center-Inner Harbor Management, the organization that oversaw the renewal of downtown.

If he were a different kind of man, he could walk you down Charles Street, tug at your sleeve and say, "See, I made that happen. And over there, Me. again." He could stand at the Inner Harbor and go on about how he, Jim Rouse and others turned this town around. He is not that kind of man, not one to revel in yesterday's glory to seek accolades for past successes. There is too much to be done today.

Every workday he's up early, dressed in a suit and tie and out the door as he has been for nearly 70 years. These days is senior adviser to the Greater Baltimore Committee. He used to be president.

He could be anywhere. He has the money. He career with Hochschild, Kohn & Co. ended with his retirement at senior vice president and treasurer. Soon after, investor Warren Buffet brought the department store company.

Money doesn't bring him to this downtown office with its view of the towering NationsBank building, the one old-timers remembers as Maryland National. It isn't a yearning for fame that has him fielding calls, hustling to meetings, offering his considered judgment on public policy.

Then why is he here, when he could be in Aruba, Martha's Vineyard, the Cape?

"Well, you know, you touch on a real issue there, I'd get restless if I weren't doing anything," he says. "I think about it every now and then because I have no reason not to retire. I'm not doing anything that obviously someone else couldn't do. But waking up in the morning and not having a job just doesn't appeal to me."

Bring up the Golden Years, and Sondheim likely turns a deaf ear. There's this crazy idea about retirement, as if people can easily walk away from what has sustained them. Retire, and do what? Sometimes there is a consuming hobby or passion waiting. Sometimes, the work is its own passion.

Sally Michel, a longtime friend, notes how work can fuel a person's life. Think of the great pianist Artur Rubinstein, practically blind and giving recitals at 89; or jazz trumpeter Adolphus "Doc" Cheatham swinging at 91; or George Burns at 100 with his cigars and wisecracks. Now, think of Walter Sondheim.

"You see that when people have a purpose, a real serious purpose to their lives, that they stay alive a lot longer. Retirement is not a good thing," says Michel.

Yet Sondheim knows longevity has its downside. He says he can remember looking down the table in many board rooms and seeing three or four emeritus members sitting there, "every one of them sure that he could do the job better than I could, and they were probably right."

Now, he's Mr. Emeritus. The position doesn't sit well with him. "You can't vote, and an emeritus means you're not a participant anymore," he says.

He wonders if he has stayed too long. Maybe he's in the way. If his wife were alive, she would tell him.

But Janet dies six years ago come September. They were married 58 years. He still wears his wedding ring.

"We never had a fight in 58 years. My daughter said it was because we were both too lazy," he says and smiles a bit, then talks about his loss. "To me it has been one continuous period. I don't mean a continuous period of mourning, but I think about her often. . . . Missing her is institutionalized in me."

Without her, he turned to his closets friends, asking them to send him an anonymous letter if they thought he was slipping.

"I thought it was incredible, an incredible thing to do, to make that suggestion," says Michel, who received one of the letters. "I was just very moved by it."

Abell Foundation President Robert C. Embry, Jr., whose friendship with Sondheim goes back nearly 30 years, also received one.

"I know that he worries and has expressed this publicly. 'Has he overstayed his welcome? Is he losing his acuity? Are people humoring him?'" says Embry. "But the opposite is true."

Sondheim is on 24 boards and foundations. That sounds impressive, overwhelming, but some meet once a year, some once a month, he says. When officials from elsewhere call the GBC about Baltimore and its redevelopment, they get Walter. He still talks to the mayor, the governor. He was chairman of the ad hoc committee that picked the Hippodrome for an expanded center of performing arts.

"Walter is the quintessential public servant," says Mayor Kurt L. Schmoke. "He remains an important adviser in business and political activities in this community. I just met with him as recently as this week to talk about downtown development."

It all started long before he was appointed to the "Jewish slot" on the city school board in 1948. It started July 25, 1908, in the front room, second floor of 1621 Bolton St. That's where he was born. He graduated from Park School in 1925, then went on to Haverford College. There were 81 graduates in the class of '29. A dozen remain.

On his yearbook page, the editors wrote: "By simultaneously preserving his pride and refusing to take himself seriously, he has practically forced us to consider him seriously as one of the prides of the class."

Not much has changed in 70 years. In the mid-1950s, his calm approach made Baltimore the first school district south of the Mason-Dixon Line to respond to the Supreme Court's landmark ruling outlawing "separate but equal" education. Some one burned a cross on the lawn of his Windsor Hills home, but it didn't stop him.

During the 1960s Mayor Thomas D'Alesandro III sought his help.

"His calling card is integrity and, as I said before, he has no hidden agenda," says D'Alesandro. "My whole concept of Walter was that he was a cut above."

He does not have a "typical" day. It depends on where he is needed. Just the other day, he showed up for the Maryland Art Place's dedication of its miniature golf course at Rash Field. He called himself "Tiger Wouldn't."

"Me, who's opposed to all exercise," he says, of what turned into an awful day. He tripped and fell on the 17th hole. "I ripped my suit beyond repair. I went to get my car, it had a $20 ticket on it."

He still drives his black Acura Legend, and walks when there is a purpose. Not too long ago he walked from his Harborview apartment to a dinner party on Federal Hill. The hosts were very concerned.

"You know, you shock people if you drive. You shock people if you walk," he says.

At 90, he goes where he wants, when he wants. He does acrostics for fun, and surprises himself by still being able to recite the Keats he learned at Haverford.

"I've had a lucky life," he says, pale blue eyes shining behind his glasses. "It's not because of me. I've been lucky to be in places."

Now there are rumors that he's the odds-on favorite to be the next state school board president. He says he doesn't want the job. Yes, he has been involved with education for 50 years, but he doesn't consider himself an expert.

"I don't think it would be wise for them to pick me," he says, wondering aloud how it would look, a 90-year-old man.

So often in the past people have come to him, seeking his perspective, his gift of compromise. He has said "yes" probably more times than he can remember. His resume lists 78 committees, boards and foundations he once served.

"My wife, who used to chastise me for saying 'Yes,' said, 'It's your curiosity,'" he says. "The truth is, I'm a little bit of a sissy. I don't like to say 'No.' . . . That's not a strength, you known. That's a weakness."

[From the Washington Post, July 30, 1998]

SONDHEIM TO HEAD MARYLAND SCHOOL BOARD

(By Ellen Nakashima)

At 90, Walter Sondheim Jr. protested that he was too old to head the influential board that sets education policy in Maryland. Just Friday he insisted, "You don't get wiser with age."

But other members of the Maryland Board of Education would not hear of it. Yesterday, they unanimously elected the self-deprecating Baltimorean—the godfather of the state's school reform efforts—as their new president.

A man who has urged friends to write him anonymously when they felt it was time for him to "hang up the spikes," Sondheim is now the oldest person in the country to lead a statewide education board.

"I'm very grateful to all of you," he told his colleagues yesterday. "It's a nice thing to do to an old man."

Although it's a part-time job with no pay, heading the state board requires an ability to smooth out the ripples created by 12 strong personalities. In the past months, board members have clashed over such issues as whether to require teachers-in-training to take reading courses and how to institute new high school exams for graduation. And Sondheim, a consensus-maker par excellence, was the best candidate to keep the board on a fast track to education reform, board members said. He replaces Rose LaPlaca, whose term has expired.

"This is a man who's a cut above everyone," said State Superintendent Nancy S. Grasmick, herself a recognized leader in school reform. "Very few people have intelligence coupled with integrity. He is as intellectually sharp as someone half his age. Most people have lost more gray matter in their thirties than he has in his lifetime."

Sondheim has a wry sense of humor that is almost always directed at himself. (A Navy lieutenant in World War II, he never served overseas—"It could possibly be why we won the war." What did he do in the Navy? "I didn't interfere.")

He was appointed president of the Baltimore City school board in 1954 on the same day the U.S. Supreme Court handed down the landmark *Brown vs. Board of Education* desegregation decision. He has headed the state's Higher Education Commission. And in 1987, then-Gov. William Donald Schaefer tapped him to head to Governor's Commission on School Performance, which in 1989 released what has come to be known as the Sondheim Report—or the blueprint for school reform in Maryland.

They are all posts he says he did not seek.

"I've just lived a long time," he said, shrugging off his achievements. "You will find that the older you get, the nicer people are to you."

Sondheim, born and bred in Baltimore, serves on 24 boards and foundations and works full time as a consultant to the Greater Baltimore Committee, a booster group he once headed. He chaired Charles Center-Inner Harbor Management, which sparked the revival of downtown Baltimore. Today, he works on the 15th floor of the Legg Mason Tower, a few blocks from the state board office. His dress is impeccable, from button-down shirt to wingtip shoes.

"I don't know anything about his genes, except his remarkable physical ability," said Schaefer, 76, who declares himself "just a child beside Walter." Said Schaefer: "He's got the stamina of a man 55 years old. He's amazing. He can outwork guys in their fifties, sixties." And he doesn't exercise.

"Oh, God forbid!" Sondheim exclaimed. "I'm opposed to it. I don't believe in exercise. It's partly because I've never done any form of athletics very well. I'm not an athletic type. I get kidded about that a lot."

He stood for two hours Tuesday night at a birthday party in his honor despite having fallen and hurt his leg. About 100 of his closest friends served him up a three-foot-long cake with 15-inch-high candles. According to Schaefer, he blew them out with one puff and declared: "No presents. No speeches. No exceptions."

Sondheim, whose wife, Janet, died six years ago and who has two children and two grandchildren, gets asked all the time when he'll retire.

"I have no idea," he said. "Somebody may tell me it's time to do it. I keep a watchful eye out for being past my time. And I have some friends I expect to tell me when my time has come."

But Schaefer believes Sondheim will never hang up his spikes. "He'd be bored to death," Schaefer said. "He couldn't retire. He just couldn't. Besides, nobody wants him to."

Sondheim's agenda for the coming year is simple.

"I think what I hope to do in the next year," he said, "is wake up every morning."•

TRIBUTE TO THE SCHUYLKILL TRAINING & TECHNOLOGY CENTER PRACTICAL NURSING PROGRAM

• Mr. SANTORUM. Mr. President, I rise today to congratulate the Schuylkill Training & Technology Center on celebrating its 30th year of graduates in their Licensed Practical Nursing (LPN) Program.

In June, the program marked 30 years of graduations with its 62nd daytime class and ninth part-time evening class commencement. Since its start, the program's class size has increased from 33 graduates in 1968 to 55 graduates this year. To mark the 30th anniversary of the program the Schuylkill Training & Technology Center will hold a celebration of the program and the success of its graduates on October 18.

Over the past 30 years, acceptance of LPNs by other health-care professionals has increased dramatically. Today students are enrolling in the LPN Program because of multiple job opportunities, and I am proud to say that a large percentage of all graduates find job opportunities in Pennsylvania.

Mr. President, I commend the Schuylkill Training & Technology Center for its excellence in job training, and I ask my colleagues to join me in congratulating them on their 30th year of graduates.•

MEMORIAL FOR FRANK HORAN OF ALBUQUERQUE, NM

• Mr. BINGAMAN. Mr. President, I rise to honor the memory of one of the finest public servants ever to have served the citizens of New Mexico, Mr. Frank Horan. Mr. Horan, who served a quarter of a century as the city attorney of Albuquerque, passed away last Saturday, October 3, 1998. His loss will be deeply felt by countless friends and family—two sons, a daughter, and seven grandchildren—who will always remember his dedication to public service, his deep affection for his community, his abiding love for his family, and his legendary sense of humor.

Frank Horan was in a sense one of the founding fathers of modern Albuquerque, moving to the city during the early 1940s, and serving as city attorney during the first years of the city's mayor-council form of government. He played a key role in designing the city's governmental structure and establishing its relationship to other jurisdictions within the state. His early professional investment in city government serves as a foundation of today's Albuquerque, a model of good government under the current leadership of Mayor Jim Baca, a longtime schoolmate of Mr. Horan's son, Tom. Tom Horan, following in his father's footsteps, currently practices law in Albuquerque and works with the state legislature.

Following his years in service to the citizens of Albuquerque, Frank Horan served in the House of Representatives in the State of New Mexico from which he retired in 1982. His dedication to public service, however, did not stop when he retired. In recent years, he devoted his life to volunteer causes, including Meals on Wheels and Encino House, a retirement center located in Albuquerque. Tom Horan reports that his father pursued those activities because, in Frank Horan's words, he was "building his resume." I am certain that Frank's "resume" will abide favorably in the hereafter. I also know that his spirit and contributions will live on among the citizens of Albuquerque and New Mexico. The people of New Mexico will miss him very much. And so will I. Thank you Mr. President.•

CFA 6TH ANNUAL DINNER

• Mr. ABRAHAM. Mr. President, I rise today to recognize a very important organization in the state of Michigan. The Chaldean Federation of America (CFA) is an umbrella association of Chaldean Civic Organizations in Metropolitan Detroit. The CFA has been in existence since 1980 and represents more than 100,000 Chaldean-Americans. Its primary goal is to assist Chaldean youth in their pursuit of academic success. It is also involved in other community programs such as race relations, youth and senior citizen programs, and social services.

The CFA will be celebrating its 6th Annual Dinner Awards Banquet on Tuesday, October 27, 1998. Dr. Jacoub Mansour, CFA Chairman, and co-chairs Rosemary Bannon and Kays Zair have a wonderful evening planned. It will undoubtedly be a great success.

I extend my congratulations and best wishes to all of this year's award recipients, and everyone who has contributed to making this organization so strong. I congratulate my good friends at the CFA on their sincere dedication to improving the lives of those around them and wish them many more years of success.•

CALLING FOR CONCERTED ACTION BY NATO TO STOP ONGOING ATROCITIES IN KOSOVO

• Mr. DODD. Mr. President, I rise today to speak about the tragedy that continues to unfold in the Province of Kosovo. I cannot stress to my colleagues enough how serious I believe the Kosovo situation has become. What we are witnessing in Kosovo now is potentially the most dangerous conflict in the Balkans since 1991. For more than seven months, President Milosevic and his Serb police forces have been engaged in an offensive against ethnic Albanians in Kosovo that can only be characterized as "ethnic cleansing".

The Congress must put aside election year politics and speak with one voice in support of the United States utilizing all necessary means to put an end to these atrocities that threaten a wider war in the Balkans. For that reason, I hope that the Republican leadership will allow a vote in the Senate to signal our strong support for the use of air power against Serbian targets in the coming days.

Clearly no one on the other side of the aisle can assert that the new escalation of fighting in Kosovo has not been very destabilizing to the region. The evidence clearly indicates that it has—over a quarter of a million of Kosovans have been displaced, many of whom have fled beyond the borders of Kosovo and Serbia to Albania and the Former Yugoslav Republic of Macedonia.

Similarly the Kosovo Liberation Army (KLA) has sought refuge and material support from Albanian populations in other countries—such actions could draw others into an ever widening civil conflict.

But it is not only the conflict's disastrous potential that cries out for action. The status quo in Kosovo is a human catastrophe. According to some estimates, already more than 1,000 people have been killed since the end of February, when Serbian paramilitary police began their crackdown on villages in Kosovo believed to be strongholds of the Kosovo Liberation Army. Many more have been driven from their homes.

Fearful women and children are hiding from the Serb police and other Serb armed forces in the hills around Kosovo without adequate food, water, or shelter. Nightly temperatures are already falling near freezing at night and it is clear that with the advent of winter their fate is doomed. Mr. President, we cannot let this humanitarian and human rights catastrophe continue.

The deep concern about the current crisis is a shared one—it is bipartisan. Many of the members of this body have recently had an opportunity to hear from a former colleague and Majority Leader Senator Bob Dole who at the behest of President Clinton traveled to Kosovo and Belgrade to make a first hand assessment of the situation. He was accompanied on that visit by Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck.

Senator Dole and Assistant Secretary Shattuck returned to Washington with a shared assessment of what has been transpiring in Kosovo in recent weeks.

They have both spoken of atrocities being perpetrated against the civilian population—ninety percent of whom are ethnic Albanians. Senator Dole again confirmed what many of us in this body have been saying over the last seven months, namely that "Milosevic is again on the warpath. . . . and, there should be no doubt that Serbia is engaged in major, systematic attacks on the people and territory of Kosovo."

The United States has been assertive in condemning Serbian aggression. The Clinton administration has spoken out repeatedly against Serb human rights abuses in Kosovo, and has stated that it will not let Serbs follow through with their ethnic cleansing. The Congress too has felt it extremely important to go on record to denounce Yugoslav President Milosevic and the Serbian military and security forces under his direction. We in the Senate also called upon the international community to act forcefully if Serbian armed aggression continued. Sadly Serbian aggression has continued. Innocent Kosovans have lost mothers and fathers, sisters and brothers, aunts and uncles.

There is a time for words and a time for force. Ambassador Richard Holbrooke has been trying as I speak to convince Milosevic to alter course. The latest information indicates that these efforts are unlikely to produce positive results. To my mind, that means that the time for words is over. Our entreaties to Milosevic to do the right thing have fallen on deaf ears. Milosevic and his Serbian forces have been mocking the international community by declaring one thing and doing another.

The time has come for the international community to confront the obvious contradictions between the words and deeds of Milosevic and the Serbian security forces under his command—saying on the one hand that a unilateral cease fire has been established and continuing on the other hand with his attacks on ethnic Albanian villages. The Serbian September 26, cease-fire declaration was pure theater. Frankly so was last weekend's "withdrawal" of Serbian forces. At the very moment that Serbian Prime Minister Mirko Marjanovic publicly declared that the seven-month offensive against the militant separatists was over, fighting continued in southern Kosovo.

Let us not repeat the mistakes of the past and give Milosevic another chance to mislead the international community. Russian objections to the use of force by NATO should carry no weight at this juncture. NATO has given Milosevic its final ultimatum—to comply immediately with all UN and NATO demands to end the crackdown in Kosovo, withdraw government forces and open meaningful political negotiations with the ethnic Albanians.

NATO's military options both to stop fighting and to enforce a possible peace settlement have been planned in detail over the past months. NATO's military staff is prepared to act. All that is needed is the political will upon the part of NATO governments to give the green light. We can no longer afford to show any more patience for the indecision of our Allies. In my view the internationally community has already waited too long to put an end to the human suffering that is being inflicted on innocent men, women and children. After seven years of watching Milosevic play cat and mouse games with United States and European leaders, I believe that the only language this individual will respond to is the sound of missiles hitting and crushing strategic targets in his proverbial backyard.

Mr. President, yesterday NATO Foreign Ministers met in Brussels. In reporting on the outcome of that meeting, Secretary of State Madeleine Albright reported that NATO was united and ready to authorize bombing in Serbia. Earlier this week, President Clinton assured members of the Senate that any air strikes conducted by NATO against Serbia would not be "pinprick" strikes but would "send a very clear signal" that we mean business.

We in the United States need to lead by example. We cannot wait any longer—for humanitarian reasons, for human rights reasons, and for geo-political reasons. If the international community fails to respond to Milosevic's continued assaults on Kosovo with force if necessary, then shortly there will be few if any ethnic Albanians left to protect in Kosovo and stability in the greater Balkans will be at risk.

Mr. President, I know that many of my colleagues share my views. I believe the American people as well.•

TRIBUTE TO THE 1968 AND 1998 BASEBALL SEASONS

• Mr. KERREY. Mr. President, I rise to make a few remarks about a fellow Nebraskan and to celebrate the 30th anniversary of his legendary baseball season.

"Let us go forth a while and get better air in our lungs. Let us leave our close rooms. The game of ball is glorious."—Walt Whitman.

Indeed, this year baseball has been "glorious."

The highlight of my job is traveling our state and going into communities to listen and learn. These learning discussions reflect the diverse and varied needs of our state, but this summer there has been one constant in all of my meetings. From Omaha to Ogallala, from Bellevue to Beatrice, everywhere throughout the State, Nebraskans have been talking baseball—specifically, the heroics of Mark McGwire and Sammy Sosa.

This year's heroics have left me reminiscing about the 30th anniversary of another magical summer, this one in 1968, when the eyes of the world were trained on a native Nebraskan—the great Bob Gibson. The St. Louis Cardinal unleashed onto the baseball world quit possibly the best season a pitcher has ever thrown.

Nebraskans have come together to watch McGwire and Sosa pursue the number 61 in a way no one thought possible. It was as if these two hitting giants entered a zone unknown to us mortals. Before this season, it seemed unheard of to even mention the numbers 70 and 66. Allowing us to follow in their chase was like joining two explorers on the verge of discovering a new world.

The highlight of many a long day this season was to watch the nightly edition of ESPN's Sportcenter and see which man was setting history that day. At a time when divisions were tugging at the seams of our political system, baseball brought us together. Every American—Republican or Democrat, right, left or center—found common ground in watching these baseball pioneers explore a new sports frontier.

For me, only Bob Gibson's 1968 heroics match up with this season's, 1998 was as enjoyable as 1968 because of the tremendous season Bob Gibson had. As a New York Yankee fan, I have earlier, unhappier memories of Gibson. It was the 1964 World Series and the Cardinals were facing a tough Yankees lineup featuring Roger Maris, Mickey Mantle, and Whitey Ford. I was convinced the Bronx Bombers would win out. It was not to be. The determined Gibson won twice and finished off the series with a victory in the seventh and final game, earning the Most Valuable Player award.

In 1968, Gibson was coming off another World Series MVP award as the Cardinals defeated Carl Yastrzemski's Red Sox the previous year. Gibson started that season with some hard luck losses and did not get going until late spring. But once he got going, there was no stopping this train.

That summer I was in SEAL Team training in San Diego. A lot of people there were snarling, but none of them could match the menace Gibson wore on his face when he ascended the mound. When Gibson came to the mound, everyone in the park could feel his intensity. As his catcher, Tim McCarver, would say, he had the "Look." It seemed as though Gibson could "Look" a strikeout before he even began his pitching motion. He was a command pitcher who mastered the edge he needed for each batter who dared to engage him in combat. His renowned discipline, his pure intimidation and his intellect for the game created a master craftsman in the art of pitching. Whether it be his blazing fastball or his snapping slider, the sight of Gibson with his right leg ominously moving from beginning to end, while unraveling his cannon of a right arm, exploding the unhittable white ball into the leather of the catcher's paws was a sight for all.

In the beginning of June of 1968, Gibson began to unveil a performance so dominating, so powerful, it seemed as though the mystery of pitching had finally been solved and only Gibson had the blueprints, hand-delivered from the creators of the game. Starting in early June and finishing in early August, Gibson had thrown an astounding 10 shutouts. If not for one earned run against the Dodgers, Gibson would have finished with 71 straight scoreless innings, easily surpassing the record of 59 Orel Hershiser set in 1988. At one point, Gibson had pitched 95 innings, which is almost a half season for today's pitchers, and allowed only 2 earned runs, for an unheard-of ERA of 0.19.

This season, Randy Johnson led baseball with six shutouts. In 1968, Gibson had 13, shutting out every team but the Dodgers. The end of Cal Ripken's streak this year reminded us of the value of baseball's work ethic. In 1968, Gibson was also a dominating workhorse, completing 28 of his 34 starts and going into the eighth inning in all but two. Led by his fastball and slider, Gibson was the league champion in strikeouts with 268.

Recounting Gibson's 1968 season, Chicago Cubs Hall of Famer Billy Williams would say many right-handed batters suffered "Gibbyitis"—a mysterious malady that would somehow take batters ill on the day their team faced Gibson.

Gibson finished the 1968 season with a 1.12 ERA—which is the record for over 300 innings pitched, besting Walter Johnson's 1.14 in 1913. He won both the Cy Young Award and the MVP of the 1968 season, while also earning another Golden Glove Award for his strong fielding. His recordsetting exploits did not end in the regular season, as he set another Herculean record when he mercilessly fanned 17 Detroit Tigers in the World Series.

Bob Gibson dominated 1968. While doing so, he marveled America with a performance so strong, so masterful, so historic, that it should be remembered at a time 30 years later when two others stunned the country with their mythical skills. Nebraskans should be proud that one of us could produce such a season. I want to thank baseball for 1968 and 1998, both 'glorious' years.●

APPRECIATION FOR DEDICATED STAFF OF THE CONGRESSIONAL RESEARCH SERVICE

● Mr. SMITH of Oregon. Mr. President. In these closing days of the 105th Congress, I would be remiss if I did not pay tribute to those who toil everyday behind the scenes to make our lives easier. I am speaking of the very dedicated and professional group of public servants who comprise the Congressional Research Service. Access to reliable information—and the ability to get it quickly—is critical to the effective functioning of the Senate, and I am particularly grateful to the Congressional Research Service employees for their professional and timely responses to the many requests for information they receive from Senators and their staffs.

It is difficult for me to imagine this institution's functioning without access to reliable information, and it is with deep appreciation that I commend researchers of the Congressional Research Service for responding quickly, pleasantly, professionally and with attention to detail to the many requests received from my office. It is this type of dedicated service that government employees all too often perform, and no one hears anything about it. This is a group of people who take their commitment to the Congress and the American people very seriously. And they deliver.

Mr. President, the Congressional Research Service provides a truly unique and indispensable service to the Congress. It has certainly made my first term as a U.S. Senator easier and more productive. I congratulate all of the workers there on their fine work and extend to them my heartfelt thanks.●

BIRMINGHAM ROTARY CLUB 75TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to honor the Birmingham Rotary Club on the occasion of their 75th Anniversary of service to the community.

The Birmingham Rotary Club was organized on March 19, 1924, by fifteen of the community, business and professional leaders. The club has an illustrious past with many local activities attributed to or begun by the Rotary Club including The Halloween Parade. At Seaholm High School, they dedicated the Rotary Memorial in 1950 to those who have died in service to our country, sculpted by Marshall Fredericks, also a Birmingham Rotarian and in 1992, a baseball scoreboard. The J.B. Howarth City Park was dedicated and named for a Birmingham Rotarian. Kenning Park is named for Bob Kenning (Retired City Manager of Birmingham), also a Birmingham Rotarian and past club president.

The Club has made numerous contributions to the community from furnishing the Rotary Room at the Baldwin Library and computer system at the Community House to the elevator and picnic shelter at Springdale Park. In addition, they support numerous schools, community groups and those who are less fortunate during Thanksgiving and the holiday season. Rotary has hosted international exchange students and has sponsored local students to go abroad through the International Rotary Scholarship Foundation.

Currently, the Birmingham Rotary Club is helping establish an Interact Club at Seaholm High School to involve high school age students in "Service Above Self". They are also supporting Polio Plus, to eradicate Polio worldwide by the year 2000, with a sizeable donation from all of the membership.

Over the past 75 years, the Birmingham Rotary Club has had a positive influence in the community and around the world. Through the tireless dedication and leadership of their 140 person membership, the Club's influence will only continue to grow and benefit those in the community and those who are less fortunate.

As one of Michigan's finest examples of volunteerism, I want to express my congratulations to all members of the Birmingham Rotary Club in recognition of their 75th Anniversary.●

RETIREMENT OF ROBERT MARTIN

● Mr. JOHNSON. Mr. President, I want to take the opportunity today to honor

Robert (Bob) Martin for his years of hard work and commitment to the people of South Dakota. I would also like to extend my warmest wishes and congratulate Bob on his upcoming retirement.

Bob, a native of Estelline, South Dakota, graduated from high school in 1952. After his graduation Bob joined the United States Navy and proudly served from 1952–1956. Following his military service, he attended Dakota State University in Madison, South Dakota receiving a bachelors degree in 1960. With a degree in hand, Bob became a welcomed addition to the faculty in the Madison School System where I am certain he inspired many students to pursue their dreams.

In 1965, Bob joined KEM Electric Cooperative, in Linton, North Dakota, serving as Public and Member Relations and Power Use Director. Coming back to his South Dakota roots, Bob returned to Madison in 1970 to become Member Service Director for East River Electric Power Cooperative and eventually Assistant to the General Manager at East River, a position he held until 1983. Ultimately, Bob became Manager of the Member Services and Public Affairs Division and remained in this position until 1990. In 1990, Bob left East River Electric to become General Manager of Rushmore Electric Power Cooperative located in Rapid City, South Dakota.

Bob's lifetime of service to rural electric cooperatives is impressive and reflects his commitment to public power and the critically important role rural electric cooperatives play in rural America. Bob has been a leader on many different issues important to public power and rural electrics, from preventing the privatization of the Power Marketing Administrations to helping further rural water efforts in South Dakota. Rural electric cooperatives are an important factor in the economic development of their communities and in many cases, they are the best equipped to work to ensure small communities remain viable and continue to keep medical facilities, schools and other services available. I am convinced the importance of rural cooperatives will continue to grow, but it will require the dedication of more individuals like Bob Martin to ensure the future of public power.

Today, Bob is a member of the South Dakota School of Mines and Technology Citizens Advisory Committee; a Director on the Board of the Mid-West Electric Consumers Association; chairs the Rapid City Chamber of Commerce Agriculture Committee; and is Chairman of the Pennington County Extension Board.

In addition to his military, scholastic, and professional achievements Bob and his wife, Kay have four grown children and five grandchildren. Again, I would like to thank Bob for all he has done to better South Dakota and I would like to wish him best of luck in his retirement. Although I imagine that keeping up with five grandchildren is not exactly retirement.•

TRIBUTE TO MICELL TECHNOLOGIES

• Mr. FAIRCLOTH. Mr. President, I would like to commend a rising company in the Tarheel State and use its positive example to encourage my colleagues to recognize and support the role environmental technologies are playing in our economy.

Micell Technologies of Raleigh has made great strides in improving carbon dioxide cleaning methods which may soon revolutionize the dry cleaning, metal finishing and textile industries. This company's environmentally friendly and energy efficient innovation, which is the result of research by a prominent professor and students at the University of North Carolina at Chapel Hill, has recently earned recognition by R&D magazine as one of the top 100 innovations of 1998.

I would also like to share a column authored by Anna Vondrak that appeared recently in the Greensboro News & Record calling for the federal government to provide more research and development funding to stimulate environmental discoveries as well as tax and other incentives for polluting, less energy efficient companies to seek alternative manufacturing processes.

I respectfully request that this statement and accompanying article by Ms. Vondrak by printed in the Record.

[From the Greensboro News & Record, Sept. 27, 1998]

N.C. FIRM SHOWS THE POWER OF "GREEN" RESEARCH; GOVERNMENT SHOULD ENCOURAGE MORE ENVIRONMENTAL RESEARCH AND DEVELOPMENT

(By Anna Vondrak)

Congress is notorious for its tendency to divert money for research and development to well-larded pork projects.

The federal government is spending $74 billion on R&D this year. But more than half of that goes to defense. A third of the rest goes to medical research, which consumes a rising share of federal research dollars.

In today's rapidly changing world, however, technological innovation by small firms will become increasingly important in ensuring economic success and environmental protection. Improved technologies can help industries move from dirty, energy-guzzling manufacturing processes to clean, energy-efficient ones.

An example of seemingly mundane but significant environmental innovation comes from Micell Technologies, a start-up firm based in North Carolina, in the heart of the famed Research Triangle.

Formed in 1995 by three scientists—Joseph DeSimone, Timothy Romack and James McClain—Micell employs just 26 people. This small team is on the verge of solving one of this nations' most pervasive environmental problems.

Today, most dry cleaners rely on toxic solvents, such as percholoroethylene, or PERC, which can contaminate ground water and may cause cancer in humans after long-term exposure. While liquid carbon dioxide has long been seen as an environmentally positive alternative, it has not fared well in the marketplace because it simply cannot clean garments to acceptable standards by itself.

Led by DeSimone, a soft-spoken chemistry professor who co-invented the process with his students, scientists at UNC-Chapel Hill, developed new detergents that dissolve in liquid CO2.

Not only is the toxic substance PERC removed from the dry cleaning equation, but Micell's two new cleaning systems, Micare and Miclean, separate and recover the CO2 and detergents they use. Those waste products can then be recycled—an important factor in preventing run-off pollution from reaching sensitive waterways.

Just as important, Micell's innovation also will play a major role in protecting the health of tens of thousands employees in America's dry cleaning industry—and quite likely millions of their customers as well.

The firm's accomplishment caught the eye of R&D Magazine, which named it a winner of its annual R&D 100 Awards, long regarded as the "Oscars of Invention."

Thus, a humble dry cleaner joins the fax machines, antilock brakes, and the ubiquitous ATM created by far larger corporations as a leader in cutting-edge technology.

Micell's experience shows that academic research and small company entrepreneurship may be the fastest—and greenest—path to the marketplace.

Congress should speed the discovery process by establishing new R&D tax credits and low-interest loans to encourage small businesses and universities to expand research activities.

The House and Senate Appropriations Committees recently pledged to double funding for the National Institutes of Health over five years—for starters—increasing NIH funding by $2 billion this year. Experts in the medical community believe the funding increase will pay huge public health dividends.

Similarly, significant increases in federal funding that supports research for new environmental technologies also will produce big benefits for Americans—less pollution-driven disease, a greener planet and new industries that create jobs and enhance prosperity.

Continuing technological innovation is the key to America's economic and environmental health as it enters the 21st century. Congress should move quickly to bolster R&D and tax incentives in this key area. The time to act is now, while the U.S. still enjoys global economic dominance.•

RECOGNITION FOR RID-REMOVE INTOXICATED DRIVERS

• Mr. D'AMATO. Mr. President, 1998 marks the 20th anniversary of RID-Remove Intoxicated Drivers. Formed in 1978 by Doris Aiken in New York, the organization has focused its efforts on educating the public on the impact of abusive alcohol use, offering support for the victims of drunk drivers and advocating for stricter laws on DWI.

RID has lobbied for the enactment of laws that will eliminate plea bargains for repeat offenders and funds for anti-DWI enforcement. With all their hard work, RID is able to claim credit for high safety ratings experienced in New

York State. RID has also advocated for the lowering of the blood alcohol content from .1% to .08% as well as enhanced penalties for drunk drivers whose passengers are minors.

The National Highway Traffic Safety recognized the accomplishments of RID and awarded them the 1998 Public Service Award for their effective campaign to deter drunk driving. Their efforts contributed to New York being selected as having one of the safest records against drunk driving in the Nation for the fifth year.

In 1996, over 17,000 people died in drunk driving accidents, accounting for 41% of the total traffic fatalities of that year. While there was a 29% reduction from the alcohol related fatalities in 1986, it is still high—17,126 people too high. The senseless death of these individuals, the pain and anguish experienced by the family and friends and the hundreds of thousands who were injured can never truly be expressed through statistics. RID's accomplishments are for these victims and for potential victims of alcohol-related accidents.

I would like to add my congratulations to the many that RID has already received—on being recognized for their achievements in curbing drunk driving and on their 20 years of public service.•

COMMENDING THE BAY COUNTY WOMEN'S CENTER

• Mr. ABRAHAM Mr. President, I rise today to recognize an important event in my home state of Michigan. In conjunction with National Domestic Violence Awareness Month, the Bay County Women's Center has planned a Candlelight Vigil and Speakout. The vigil recognizes survivors, family members, and those who have lost their lives to domestic violence, in addition to educating the community about the resources available to the victims of domestic violence.

The Bay County Women's Center reaches out to survivors of physical, emotional, and sexual abuse. It provides a safe, supportive, nonjudgmental environment for survivors to make decisions about their lives and families. In addition to offering extensive counseling, the Center goes so far as to assist with job search skills, housing options, and child care services.

The Vigil and Speakout draw attention to a problem that is all too common in hopes that we can work together toward a solution. It will join citizens, groups of professionals, and community leaders in an effort to stress to the Bay community that violence is inexcusable and will not be tolerated. Because the tragedy of domestic violence affects far too many American families, I commend the tireless work of the Bay County Women's Center in helping reverse domestic violence statistics and assist the victims of violence. The Center is truly an invaluable asset to Michigan's families.•

RECOGNITION OF PHILIP AND MARGE ODEEN

• Mr. JOHNSON. Mr. President, I want to take this opportunity to recognize Philip and Marge Odeen of Virginia. These two natives of Yankton, South Dakota have been selected by the Northern Virginia Community Foundation to receive the 1998 Northern Virginia Community Founder's Award. The Founder's Award is presented each year to those citizens who have consistently demonstrated a commitment to both civic and humanitarian concerns, while making a substantial contribution to improving the quality of life in Northern Virginia. The Founder's Award is a tribute to the Odeens' leadership in all of these areas.

From the time they moved east in 1960, the Odeens made an immediate impact in the areas of commerce, public affairs, the arts, and community improvement. Phil distinguished himself in the public sector at the National Security Council, later as a co-founder of the World Affairs Council, and most recently in his work with BDM International and TRW. Marge's endeavors on behalf of Northern Virginia Community College and the Women's Center have also been noted for their success.

Throughout their professional careers Phil and Marge have always found a way to donate time and effort to worthy causes such as the Salvation Army, Childhelp USA, the Heart Association, and the Wolf Trap Foundation. They have given freely to non-profit organizations in terms of time and money, have consistently taken the lead in getting others involved, and most importantly have positively affected the lives of numerous men, women, and children in the Washington area.

I would like to commend the Odeens for their numerous contributions to the Northern Virginia Community; their community leadership serves as a model for the citizens of both Virginia and South Dakota to emulate.•

THE CHARTER SCHOOL EXPANSION ACT OF 1998

• Mr. COATS. Mr. President, I am pleased with the passage by UC of the bipartisan substitute amendment to HR 2616, the Charter School Expansion Act. Senator LIEBERMAN and I introduced this bill last November to help further expand the charter school movement which is so successfully providing new educational opportunities for children all around this country. This bill passed unanimously out of the Labor Committee and was unanimously approved by the Senate last night.

This important bill builds upon the great success of the original charter school legislation which Senator LIEBERMAN and former Senator Durenberger introduced in 1994. The Federal Charter School Grant Program provides seed money to charter school operators to help them pay for the planning, design and initial implementation of a charter school. Since this program's inception, the number of charter schools has tripled, with over 1100 charter schools now operating in 33 States and the District of Columbia.

Charter schools are independent public schools that have been freed from onerous bureaucratic and regulatory burdens in order to pursue clear objectives and goals aimed at increasing student achievement. To increase student achievement, charter schools are able to design and deliver educational programs tailored to meet the needs of their students and their communities.

It is the individualized education available to students through charter schools that makes this a desirable educational alternative for many families. Charter schools give families an opportunity to choose the educational setting that best meet their child's needs. For many low-income families in particular, charter schools provide their first opportunity to select an educational setting which is best suited for their child.

Parents and educators have, in turn, given these programs overwhelmingly high marks. Broad-based studies conducted by the Department of Education and the Hudson Institute show that charters are effectively serving diverse populations, particularly disadvantaged and at-risk children, that traditional public schools have struggled to educate.

With results like these, it is no wonder that some of the strongest support for charter legislation comes from low-income families. Not only do these parents now have real educational choices, but they are actually needed in the charter school environment for everything from volunteering to coaching, fundraising, and even teaching. This direct involvement of families is helping to build small communities centered around the school.

Charter schools can be started by anyone interested in providing a quality education: Parents, teachers, school administrators, community groups, businesses and colleges can all apply for a charter. And, importantly, if these schools fail to deliver a high-quality education, they will be closed—either through a district or State's accountability measures or from lack of students. Accountability is literally built into the charter school process—the school must comply with the provisions in its charter, and unhappy parents and students can leave if they are not satisfied.

Additionally, a survey conducted last fall by the National School Boards Association (NSBA) found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as "a powerful tool" to develop new ideas and programs without fearing regulatory roadblocks.

Several other studies have recently been released highlighting the success of charter schools around the country. Among other things, these studies have shown that charter schools have successfully met and surpassed the standards outlined in their charters, attracted significant proportions of minority and low-income students, and have higher parental approval rates than public schools.

The results of these studies point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that public schools should be consumer-oriented, diverse, results-oriented, and professional places that also function as mediating institutions in their communities.

The purpose of this bill is to further encourage the growth of high-quality charter schools around the country. This bill provides incentives to encourage States to increase the number of high quality charter schools in their State. To qualify for funding under this bill, States must satisfy two criteria. First, they must provide for review and evaluation of their charter schools by the public chartering agency at least once every five years to ensure that the charter school is meeting the terms of its charter and meeting its academic performance requirements. And second, States meet at least one of three priority criteria:

The State has demonstrated progress in increasing the number of high quality charter schools that meet clear and measurable objectives for the educational progress of their students;

The State provides an alternative to the local educational agency as the public chartering agency through either another authorized public chartering agency or an appeals process; or

The State ensure that each charter school has a high degree of automony over the charter school's budgets and expenditures.

These priority criteria were included to encourage States to develop charter school laws that promote diversified educational opportunities balanced with high expectations, clear objectives, and strong accountability measures.

This bill continues the primary focus of charter school grants for the planning, design and implementation costs of new charter schools. This bill adds another purpose for which grants can be used by States—States may now reserve up to 10 percent of their grant funds to support the dissemination activities of successful charter schools. These dissemination grants can go to charter school operators to help encourage education reform by spreading the lessons learned by successful charter schools and assist in the creation of new charters and the reform and reinvigoration of other public schools.

To help ensure that the amount of the federal grants are proportional to the level of charter school activity in the State, this bill directs the Secretary to take into consideration the number of charter schools in operation, or that have been approved to open.

During drafting of this bill, the single greatest concern I heard from charter school operators related to their ability to access their fair share of federal education funding. And so, to ensure that charter schools have enough funding to continue once their doors are opened, this bill provides that charter schools get their fair share of federal programs for which they are eligible, such as Title 1 and IDEA. The bill also directs States to inform their charter schools of any Federal funds to which they are entitled.

This bill also increases the financing options available to charter schools and allows them to utilize funds from the Title VI block grant program for start-up costs.

Because it is so important that charter schools are held accountable in return for the flexibility they are given from Federal, state and local laws and regulations, this amendment includes several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are "held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students."

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environment to our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Senator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law.

Mr. President, I ask that a summary of the study results to which I referred be printed in the RECORD.

The summary follows:

FINDINGS FROM KEY STUDIES ON CHARTER SCHOOLS

The Department of Education released its first formal report on its study of charter schools in May 1998. Key first-year findings include:

The two most common reasons for starting public charter schools are flexibility from bureaucratic laws and regulations, and the chance to realize an educational vision.

In most states, charter schools have a racial composition similar to statewide averages or have a higher proportion of minority students.

Charter schools enroll roughly the same proportion of low-income students, on average, as other public schools.

The Hudson Institute has also undertaken its own two-year study of charter schools, entitled "Charter Schools in Action." Their research team traveled to 14 states, visited 60 schools, and surveyed thousands of parents, teachers, and students. Some of this study's key findings include:

Three-fifths of charter school students report that their charter school teachers are better than their previous school's teacher.

Over two-thirds of parents say their charter school is better than their child's previous schools with respect to class size, school size, and individual attention.

Over 90 percent of teachers are satisfied with their charter school's educational philosophy, size, fellow teachers, and students.

Among students who said they were failing at their previous school, more than half are now doing "excellent" or "good" work. These gains were dramatic for minority and low-income youngsters and were confirmed by their parents.

Most of the top charter schools are not only meeting the high standards they have set for themselves, but surpassing them.•

• Mr. LIEBERMAN. Mr. President, last night the Senate unanimously approved H.R. 2616, the Charter School Expansion Act, a piece of legislation that Senator COATS and I, along with many others, have been working on for the better part of the past two years. the House is expected to pass this bill today under suspension and send on to the President, who has pledged to sign it into law.

I rise today to express my deep appreciation to our colleagues for their strong bipartisan support of this bill, and to add a few brief words about the significance of its passage, which I am afraid may get lost amidst the last-minute flurry of activity this week before Congress adjourns.

It would not be too difficult to overlook this legislation. Compared to some of the high-profile education bills we have considered recently, this is a modest and largely anonymous proposal, which will strengthen our support for charter schools and encourage states to create more of these innovative, independent programs. It will not fix all or even much of what ails our public education system. It will not singlehandedly sate the demands of parents for safer schools, better teachers, smaller classes, and smarter students. Nor will it settle the long-standing and often inflammatory debate over education reform that has divided the parties and effectively stymied the efforts of this Congress to respond to the public's growing concerns.

But nevertheless, I believe that this may turn out to be one of the most important and constructive bills that we enact into law during this season. What we have agreed to do today will help take the charter school model from novelty to the norm in this country, and thereby bolster the most promising engine of education reform at work in America today. The Charter School Expansion Act will spur the growth of hundreds of high-quality and highly-accountable schools of choice, which in the next few years will expand the educational opportunities available to thousands of American children, and could over the long haul help to reshape the public school for the 21st Century.

Perhaps just as noteworthy as what this legislation will do, though, is the simple fact that we agreed to do it. As my colleagues are well aware, we have struggled throughout this Congress to reach a consensus on how to improve our schools, fighting a series of pitched partisan battles that have bogged down several thoughtful proposals from both sides, and leaving the public to question our ability to address these critical issues. By adopting this bill with unanimous support, I think we have made an important statement that we can get things done, that we can find common ground to strengthen the common school. And I am hopeful, despite the deep policy differences still dividing many of us, that this bill will lay the groundwork for more bipartisan cooperation next year as we prepare to reauthorize the massive Elementary and Secondary Education Act and proceed with what may be the most consequential education debate of our lifetime.

In marking this accomplishment, I want to thank Senator COATS, who I have had the great pleasure of working on many education reform initiatives over the last few years, and our fellow cosponsors, Senators KERREY of Nebraska, D'AMATO, and LANDRIEU, who made this a bipartisan effort from the start. I will sorely miss Senator COATS' partnership next year as this great education debate continues, but I am glad that, after many years of frustratingly close votes we have endured together, he can leave on a resounding note of success.

I particularly want to thank the chairman and ranking member of the Labor Committee, Senators JEFFORDS and KENNEDY, for their leadership in shepherding this bill to the floor. I know there were some difficult issues that had to be resolved to bring our proposal out of committee, and I am grateful to my colleagues from Vermont and Massachusetts for the time and energy they devoted to getting that done. We simply could not have beat the legislative clock were it not for their persistence and skilled bridge-building.

I also want to pay tribute to our former colleague, Senator Durenberger, whose vision and creativity made this legislation possible in the first place. In 1992 and 1993, a band of pioneering teachers and parents in Minnesota founded the nation's first charter schools, and their efforts inspired Senator Durenberger to propose a national pilot program to help other communities around the country experiment with this progressive reform model. I was proud to join with Senator Durenberger four years ago in cosponsoring the bill authorizing this pilot program, now known as the Federal Charter School Grant Program. Congress approved this initiative with strong bipartisan majorities, and in the years since it has provided $75 million to help new charters to defray the burdensome cost of starting a school from scratch.

Today, thanks in part to this Federal seed money, the charter school movement has quickly spread throughout the nation. As of this fall, more than 1,100 charters are operating in 26 states, including my home state of Connecticut, as well as the District of Columbia, quadrupling the number that were in business just four years ago. In the past nine months alone, four additional states passed new charter laws, and more than a half dozen others strengthened their laws and significantly expanded their programs. In California, for example, the state legislature broadly supported a move to raise the state cap on charters from 100 to 250 of this year and allow the creation of 100 additional schools each succeeding year. And just last month in Texas, the state board of education approved the creation of 85 new schools, more than doubling the existing number.

This is truly a grass-roots revolution, led by parents and teachers and community activists, which is seeking to reinvent the public school and take it back to the future, reconnecting public education to some of our oldest, most basic values—ingenuity, responsibility, accountability—and refocusing its mission on doing what's best for the child instead of what's best for the system.

The results so far have been quite encouring. Parents of charter school students overwhelmingly give their programs high marks, particularly for their responsiveness and the sense of community they foster. Also, broad-based studies done by the Hudson Institute and the Education Department show that charters are effectively serving diverse populations, especially many of the disadvantaged and at-risk children that traditional public schools have struggled to educate. And while it's too soon to determine what impact charter schools are having on overall academic performance, the early returns suggest that charters are succeeding where it matters most, in the classroom.

A survey done last fall by the National School Boards Association found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as a "a powerful tool" to develop new ideas and programs without fearing regulatory roadblocks.

The most remarkable aspect of the charter movement may be that it has managed to bring together citizens,

educators, business leaders and politicians from across the political spectrum in support of a mutual goal to better educate our children through more choice, more flexibility and more accountablity in our public schools. In these grass-roots, as I suggested above, may lie the roots of a consensus for renewing the promise of public education and ending the left-right stalemate that has too often impeded the reform debate.

We want to build on that broad agreement at the local and state level and do what we can at the Federal level to support and encourage the growth of this movement, which is just what the legislation we approved today will do. It starts by revamping the charter grant program to focus it more on helping states and local groups create new schools and meet the President's goal of creating 3,000 charters by the year 2000.

Specifically, it calls for gradually increasing the grant funding over the next several years, and then better targeting those additional dollars to the states that are serious about expanding their charter program. It would do so by establishng several "priority" criteria that would give preference in awarding start-up grants to those states that show real progress in creating high-quality, highly-accountable charters. Our hope is that these changes will give states that have been slow to embrace the charter movement an incentive to get on board. The intent is not to punish those states that are moving cautiously, but instead to reward the ones that are prepared to harness this progressive force for change and encourage others to do the same.

The CSEA would also tighten some unintended loopholes in the original statute that have hampered the effectiveness of the program, ensure that charter schools receive their fair share of funding from the major Federal categorical grant programs, and take some initial steps to widen the pool of funding sources for those charters that are struggling to stay alive. And to enhance the potential for all children to benefit from charter successes, this legislation directs the Secretary of Education to work with the states to in effect establish an "innovation pipeline" that would share information about what is working in charter schools to public school districts around the country.

That, in the end, is really what this bill and the charter school movement in general are all about, which is improving the whole of our public education system. As Norman Atkin, a founder and director of the North Star Academy Charter School in Newark, has said, charter schools have the potential to serve as the "R&D arm" of public education, incubating new ideas that could benefit millions of students. And in time hopefully every public school will put into practice the principles undergirding the charter model, and every public school will be liberated from some of the top-heavy bureaucracy that too often suffocates them and in turn pledge to meet high standards of achievement for which they will be held strictly accountable, and every public school will benefit from the positive forces of choice and competition.

For now, we have taken an important step toward that goal today, and passed a piece of legislation that I am confident will make a real and immediate difference in the lives of many children in this country. I again want to thank my colleagues for their broad vote of confidence in the charter movement, and I look forward to working with them next year on new blueprint for education reform that will incorporate the substance and spirit of what we have achieved today.●

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION CONTINUING GOVERNMENT FUNDING

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate receives from the House the House joint resolution that will continue Government funding until midnight Monday, October 12, 1998, with no amendments, it be considered agreed to and the motion to reconsider be laid upon the table.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly during the Second Session of the 105th Congress, to be held in Edinburgh, United Kingdom, November 9–14, 1998:

The Senator from Utah (Mr. HATCH);

The Senator from Virginia (Mr. WARNER);

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Arkansas (Mr. HUTCHINSON);

The Senator from Alabama (Mr. SESSIONS);

The Senator from Oregon (Mr. SMITH);

The Senator from Tennessee (Mr. THOMPSON);

The Senator from Arkansas (Mr. BUMPERS);

The Senator from Maryland (Ms. MIKULSKI); and

The Senator from Hawaii (Mr. AKAKA).

EXPRESSING SENSE OF SENATE ON COMPLETION OF CONSTRUCTION OF WORLD WAR II MEMORIAL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 296 submitted earlier today by Senator KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) expressing the sense of the Senate that, on completion of construction of a World War II Memorial in Area 1 of the District of Columbia and its environs, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 296

World War II is the defining event of the 20th century;

Whereas in World War II, over 16,000,000 American men and women served the Nation, of which nearly 300,000 were killed and over 670,000 were wounded;

Whereas in Public Law 103–422 (108 Stat. 4356), Congress approved the location of a memorial to this epic event in Area I of the District of Columbia and its environs, as described in the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001 et seq.); and

Whereas Congress has traditionally provided funding for the memorials commemorating President Thomas Jefferson and President Abraham Lincoln, the monument to President George Washington, and the Korean War Veterans Memorial: Now, therefore, be it

Resolved,

SECTION 1. FUNDING OF A WORLD WAR II MEMORIAL.

It is the sense of the Senate that, on completion of construction of a World War II Memorial in Area I of the District of Columbia and its environs, as described in that Act, Congress should provide funding for the maintenance, security, and custodial and long-term care of the memorial by the National Park Service.

Mr. KERREY. Mr. President, I am pleased that the Senate has agreed to

this Sense of the Senate Resolution which would provide funding for the maintenance, security, custodial and long-term care of the memorial by the National Park Service. This is a significant step forward in bringing the World War II Memorial to fruition. What this resolution does is put the Senate on record as supporting public funding of some sort for the World War II Memorial which will be placed on the National Mall—our nation's front yard.

I felt this resolution necessary because of the continued structural problems confronting the Korean War Veterans Memorial, which lies in the same flood plain that the World War II Memorial will call home. I felt it necessary that the Senate take on some precautionary responsibility for the maintenance and upkeep of what will be the most prominent memorial on the Mall.

Next year, I intend to introduce legislation to fund not only maintenance, security, custodial and long-term care, but also construction costs to assist the Honorable Bob Dole in his fundraising endeavor.

I would again like to thank my colleagues, especially Senators MURKOWSKI and BUMPERS for their support and assistance.

EXPRESSING SENSE OF SENATE RELATIVE TO LOUISVILLE FESTIVAL OF FAITHS

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 274 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as a model for similar festivals in other communities throughout the United States.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and that the motion to reconsider be laid upon the table, without intervening action.

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

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 274

Whereas a Festival of Faiths celebrating the diversity of religion has been held in Louisville, Kentucky, in the month of November of each of the last 3 years;

Whereas the Louisville Festival of Faiths has provided an opportunity for representatives of different faiths to communicate with each other and learn about each other's heritage, experiences, and beliefs,

Whereas more than 60 faiths have participated in the Louisville Festival of Faiths over the past 3 years;

Whereas the freedom to practice religion in diverse ways is a principle that the United States was founded on and one that the United States has embraced throughout its history;

Whereas religious diversity, in addition to its other benefits, expands the perspectives and experiences available to this Nation as a whole;

Whereas the communication of diverse perspectives and experiences between representatives of different religions can enrich the lives of such individuals and can assist such individuals in developing an appreciation of the commonality between different religions;

Whereas such communication can also diminish the potential for conflict between religious groups at a time when the dangers of religious conflict pose increasingly serious problems throughout the world; and

Whereas the Louisville Festival of Faiths experience can be replicated without great difficulty in other communities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Louisville Festival of Faiths—

(1) should be commended for its concept and its achievements to date; and

(2) should serve as a model for similar festivals in other communities throughout the United States.

EXPRESSING SENSE OF SENATE ON DESIGNATING NATIONAL CHILDREN'S DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 260.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 260) expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day".

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 260

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe "National Children's Day" with appropriate ceremonies and activities.

EXPRESSING SENSE OF SENATE RELATIVE TO NATIONAL INHALANT ABUSE AWARENESS DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 257.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day".

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 257

Whereas inhalant abuse is nearing epidemic proportions with over 20 percent of all students admitting to experimenting with inhalants by the time they graduate from high school and only 4 percent of parents suspecting their children of inhalant use;

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third behind use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants even once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, one that leads to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our battle against drug abuse: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day", to be observed with appropriate activities; and

(2) the Senate requests that the President issue a proclamation designating October 15, 1998, as "National Inhalant Abuse Awareness Day".

EXPRESSING SENSE OF SENATE WITH RESPECT TO DIPLOMATIC RELATIONS WITH PACIFIC ISLAND NATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 277, submitted by Senator INOUYE, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) expressing the sense of the Senate with respect to the importance of diplomatic relations with the Pacific Island nations.

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

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.

NATIONAL MAMMOGRAPHY DAY

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 271 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 271) designating October 16, 1998, as "National Mammography Day."

The Senate proceeded to consider the resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 271

Whereas according to the American Cancer Society, in 1998, 178,700 women will be diagnosed with breast cancer and 43,500 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women will be diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide a safe and quick diagnosis;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination (BSE), reducing mortality by more than 30 percent; and

Whereas 47 States and the District of Columbia have passed legislation requiring health insurance companies to cover mammograms in accordance with recognized screening guidelines: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 1998, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

REMEMBERING THE LIFE OF GEORGE WASHINGTON AND HIS CONTRIBUTIONS TO THE NATION

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 83.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) remembering the life of George Washington and his contributions to the Nation.

The Senate proceeded to consider the concurrent resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution

be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

DESIGNATING THE 30TH DAY OF APRIL OF 1999, AS "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS"

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 278, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 278) designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COATS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas many of the nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the citizens of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas one in four Americans is projected to be of Hispanic descent by the year 2050, and there are now 10.5 million Latino children;

Whereas traditional Latino family life centers largely on its children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year and Hispanic dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the Nation will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition of children of the United States will provide an opportunity to children to reflect on their future, to articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Latinos and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its citizens, and citizens should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate designates the 30th of April of 1999, as "Día de los Niños: Celebrating Young Americans" and requests that the President issue a proclamation calling on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, beginning April 30, 1999, that include—

(1) activities that center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our citizens;

(2) activities that are positive, uplifting, and that help children express their hopes and dreams;

(3) activities that provide opportunities for children of all backgrounds to learn about one another's cultures and share ideas;

(4) activities that include all members of the family, and especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(5) activities that provide opportunities for families within a community to get acquainted; and

(6) activities that provide children with the support they need to develop skills and confidence, and find the inner strength—the will and fire of the human spirit—to make their dreams come true.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now proceed to House Joint Resolution 131 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 131) waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be considered read a third time and passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 131) was considered read the third time and passed.

AUTHORIZING TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 297 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 297) to authorize testimony and representation of former and current Senate employees and representation of Senator CRAIG in *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a civil action set for trial in the U.S. District Court for District of Idaho. This case arises out of a dispute between the plaintiff, a private corporation, and the Department of Education concerning the status of certain student loan guaranty reserve funds. Counsel for the plaintiff wishes to question a former member of Senator CRAIG's staff about her recollection of meetings with representatives from the Department of Education during a time period in which she served as a legislative aid to the Senator.

This resolution would authorize testimony by the former staff member, and any other former or current employees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel. The resolution would also authorize the Senate Legal Counsel to represent Senator CRAIG and his employees in connection with this matter in order to protect the Senator's privileges.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 297) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 297

Whereas, in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*, Case No. CV 94-0413-S-LMB, pending in the United States District Court for the District of Idaho, testimony has been requested from Elizabeth Criner, a former employee of Senator Larry Craig;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Elizabeth Criner, and any other former or current Senate employee from whom testimony may be required, are authorized to testify in the case of *Student Loan Fund of Idaho, Inc.* v. *Riley, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Larry Craig, Elizabeth Criner, and any other Member or employee of the Senate in connection with the testimony authorized in section one of this resolution.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO PROVIDE FINANCIAL ASSISTANCE TO THE STATE OF MARYLAND

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4337 received from the House.

The PRESIDING OFFICER. The clerk will report.

A bill (H.R. 4337) to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, this legislation authorizes the Secretary of Interior to provide assistance to the State of Maryland in controlling a nonnative rodent—nutria—which is destroying wetlands and valuable habitat at and around Blackwater National Wildlife Refuge on the Eastern Shore of Maryland. Sponsored by my colleague Representative GILCHREST, the legislation establishes a three year demonstration program of methods of manage nutria populations and to restore marshlands damaged by the destructive creature.

Mr. President, Blackwater National Wildlife Refuge is one of the real treasures and showplaces of our National Wildlife Refuge system. Established in the early 1930s to help preserve migratory waterfowl, the 20,000 acre refuge has become one of the chief wintering areas for Canada geese along the Atlantic Flyway. It is also home for the endangered Delmarva Fox Squirrel and more than 200 species of birds. As all who visit the refuge quickly discover, Blackwater is a very special place: a haven for fish and wildlife , a land of exceptional beauty, and a vital part of the natural heritage and quality of life that we enjoy in Maryland.

Unfortunately the Refuge and surrounding wetlands are being threatened by the prolific and highly invasive nonindigenous species nutria which are destroying the tidal marshes and even displacing other native species. Over the past three decades, the population of nutria in Maryland has grow exponentially from about 150 to as many as 150,000—a thousand fold increase. During that same period, Blackwater National Wildlife Refuge has lost more than 40 percent of its marshes—approximately 7,000 of 17,000 acres—due, in large part, to nutria. As nutria population densities continue to increase, so does the range of the creature and its associated ecological damage.

In order to respond to this threat, the Maryland Department of Natural Resources, the U.S. Fish and Wildlife Service, the USDA Animal and Plant Health Inspection Service, the University of Maryland and more than a dozen other partners have joined together to develop a plan to address march loss and control of nutria. The goal of this three year pilot program is to develop methods for intensive control of the nutria populations and to restore damaged marsh habitats. This legislation authorizes the Federal funds necessary to carry out the program. I urge adoption of the legislation.

Mr. COATS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 4337) was considered read the third time and passed.

ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY EXTENSION ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of calendar No. 595, H.R. 3069.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3069) to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

H.R. 3069

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 "Advisory Council on California Indian Policy Extension Act of 1998".

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the Advisory Council on California Indian Policy, pursuant to the Advisory Council on California Indian Policy Act of 1992 (Public Law 102–416; 25 U.S.C. 651 note), submitted its proposals and recommendations regarding remedial measures to address the special status of California's terminated and unacknowledged Indian tribes and the needs of California Indians relating to economic self-sufficiency, health, and education.

(b) PURPOSE.—The purpose of this Act is to allow the Advisory Council on California Indian Policy to advise Congress on the implementation of such proposals and recommendations.

SEC. 3. DUTIES OF ADVISORY COUNCIL REGARDING IMPLEMENTATION OF PROPOSALS AND RECOMMENDATIONS.

(a) IN GENERAL.—Section 5 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding at the end the following new paragraph:

"(8) work with Congress, the Secretary, the Secretary of Health and Human Services, and the California Indian tribes, to implement the Council's proposals and recommendations contained in the report submitted under paragraph (6), including—

"(A) consulting with Federal departments and agencies to identify those recommendations that can be implemented immediately, or in the very near future, and those which will require long-term changes in law, regulations, or policy;

"(B) working with Federal departments and agencies to expedite to the greatest extent possible the implementation of the Council's recommendations;

"(C) presenting draft legislation to Congress for implementation of the recommendations requiring legislative changes;

"(D) initiating discussions with the State of California and its agencies to identify specific areas where State actions or tribal-State cooperation can complement actions by the Federal Government to implement specific recommendations;

"(E) providing timely information to and consulting with California Indian tribes on discussions between the Council and Federal and State agencies regarding implementation of the recommendations; and

"(F) providing annual progress reports to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the status of the implementation of the recommendations.".

(b) TERMINATION.—The first sentence of section 8 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2136) is amended to read as follows: "The Council shall cease to exist on March 31, 2000.".

SEC. 4. HEALTH OR SOCIAL SERVICES FACILITY.

Section 1004(a) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3956) is amended by striking "use other than for a facility for the provision of health programs funded by the Indian Health Service (not including any such programs operated by Ketchikan Indian Corporation prior to 1993)" and inserting "use as a health or social services facility".

Mr. COATS. Mr. President, I ask unanimous consent that the committee amendment not be agreed to.

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

The committee amendment was rejected.

Mr. COATS. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 3069), as amended, was considered read the third time and passed.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT

Mr. COATS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1274, and further, that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3810

(Purpose: To amend the Technology Administration Act of 1998)

Mr. COATS. Mr. President, Senator FRIST has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. FRIST and Mr. ROCKEFELLER, proposes an amendment numbered 3810.

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

Mr. COATS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3810) was agreed to.

The bill (H.R. 1274), as amended, was read the third time and passed.

WORKFORCE IMPROVEMENT AND PROTECTION ACT OF 1998

Mr. COATS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 3736, a bill to amend the Immigration and Nationality Act to make changes relating to H–1B nonimmigrants.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. COATS. Mr. President, I regret that this objection is being made. The bill is vital to the technology industry, and this objection makes it impossible to pass the bill this year.

Mr. HARKIN. Will the Senator yield for about 3 minutes?

Mr. COATS. I am happy to yield to the Senator.

Mr. HARKIN. I appreciate the Senator from Indiana yielding to me to explain why I object to this.

Before I get into that, let me say that I was here for part of his speech. He thanked his staff. I thought it was a very gracious and wonderful thing the Senator did. It was really nice.

I must say, I will miss you here in the Senate, DAN. As I said before, you have been a wonderful person to work with. I hate to end it on this note, where I am objecting to something that you are bringing up. You have been a great Senator. You have been a great human being to work with. We will miss you. I will miss you, personally. All of my friends who have left said there is a life beyond the Senate. Quite frankly, it is probably a lot better, considering we are here at 7:30 on a Friday night.

Mr. President, I just want to explain why I object to this bill. This is the bill that would have increased the number of H–1B visas from 65,000 per year to 115,000 for next year and the year after, then drop down to 107,500 in 2001 and back down to 65,000 thereafter.

Now, ostensibly, the reason for doing this, and why this came up in the last couple of years, is that there was projected to be a big shortage in computer programmers. Thus, there was this big push to increase the number of H–1B

visas, to get these computer programmers.

It turns out that has, indeed, not happened. In fact, I have three recent articles. One is from the San Jose Mercury News dated October 6, 1998. It says:

High-tech Layoffs are Accelerating.

They pointed out in the article:

Computers ranked second in total job-cut announcements, with 44,000. That represented nearly three times the number from last year.

The article goes on to say:

The changing job market can be seen at the Career Action Center, a career resource center in Cupertino, where counselors are seeing more people come in. Job searches are taking more time, companies are taking longer to make their hiring decision, and some businesses have even enacted hiring freezes, said Betsy Collard, the center's strategic development director.

While the center posted 10,000 jobs in August, that was down from 13,500 it posted a year earlier.

I ask unanimous consent the article be printed in the RECORD.

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

[From the San Jose Mercury News, Oct. 6, 1998]

HIGH-TECH LAYOFFS ARE ACCELERATING

(By Jonathan Rabinovitz)

High-technology industries have cut four times as many jobs nationally in 1998 as they did in the same period last year, imposing more layoffs than almost every other sector of the economy, according to a report released Tuesday by an international outplacement firm.

The survey of job-cut announcements was yet another signal of the slowing of economic growth both in Silicon Valley and nationally. It attributed many of the reductions to the global financial crisis, particularly the recession that has gripped much of Asia.

And while the labor market in the San Jose area remains tight—the 3.4 percent unemployment rate in August was down from last year—one of the authors of the study said that this year's downsizing tend has already dimmed the rampant optimism that once pervaded Silicon Valley.

"People used to say that you don't have anything to worry about, but that's not the case any more," said John A. Challenger, chief executive of Challenger, Gray & Christmas Inc., the Chicago-based company that compiles the monthly survey. "The ice seems a little bit thinner right now."

Still, Silicon Valley and the state continue to add thousands of jobs, at a pace that outstrips the rate of layoffs, though job growth has slowed both here and nationally.

The layoffs in high-tech companies come against a backdrop of increased job-cut announcements across the country. The September figure for job-cut announcements was the highest reported by the survey since January 1996. The amount has generally increased each month this year.

And the total number of job cuts for all industries was up 53 percent—about 150,000 job-cut announcements—from the amount for the first nine months of 1997.

But perhaps the most striking change was in the high-tech industries. While electronics, computers and telecommunications were not among the top five industries in job-cut announcements last year at this time, all three industries were now in that category.

Electronics, which includes chip manufacturing, had more announcements than any other industry. The number had increased to nearly 70,000, eight times more than the first nine months of last year, according to the Challenger survey.

Computers ranked second in total job-cut announcements, with 44,000. That represented nearly three times the number from last year.

Telecommunications was placed fifth. It increased to nearly 29,000, four times the amount in 1997.

The changing job market can be seen at the Career Action Center, a career resource center in Cupertino, where counselors are seeing more people come in. Job searches are taking more time, companies are taking longer to make their hiring decision and some businesses have even enacted hiring freezes, said Betsy Collard, the center's strategic development director.

While the center posted 10,000 jobs in August, that was down from the 13,500 it posted a year earlier.

But, Collard stressed, "It is still a very good job market."

Indeed, the Challenger survey should not inspire panic in Silicon Valley. Its findings reveal only a small and recent dent in an economic miracle that has included phenomenal job growth.

Another report, issued this week by the American Electronics Association, showed how Silicon Valley extended its reach throughout California from 1990 to 1996.

While Santa Clara County added almost 25,000 high-tech jobs during that period to reach a total of 221,000 technology jobs—a 12 percent increase—other California metropolitan areas had substantial employment growth in the tech industries.

The Sacramento area, for instance, had 30,000 high-tech jobs by 1996, a 56 percent jump from six years earlier. San Mateo, San Francisco and Marin Counties had a total of about 49,000 high-tech jobs, up 37 percent over the same period. And Alameda and Contra Costa Counties had 53,000, a 14 percent increase from 1990.

Still, the continued growth had a new facet this year, it was accompanied by a spate of down-sizing efforts that approach the scope of the deepest cuts of the decade in 1993, Challenger said.

Over the last year, many of Silicon Valley's most revered companies have announced layoffs. Santa Clara-based Applied Materials has eliminated almost one out of every four positions. Scotts Valley-based Seagate said in January it would reduce its work force by 10,000 employees worldwide. And San Jose-based Adobe Systems said it would cut anywhere between 240 to 300 jobs.

The Challenger Survey has been conducted since 1993. It is based entirely on public reports of job cuts and calculates all reductions announced by U.S.-based companies.

Mr. HARKIN. Another recent article from Computer World, dated October 5, 1998, talked about the same subject:

The year 2000 retention drama is playing out differently from what was expected. The widely anticipated programmer shortage never quite materialized, but another shortage has proved far more dangerous.

"We'd always heard the industry speak of demand for programmers, but the more critical and unexpected demand is for project managers," says Irene Dec, vice president of information systems at the Prudential Insurance Company of America in Newark, NJ.

The article pointed out, quite frankly, that the programmers are in fine shape. What they are really looking for are program managers. I understand the H-1B visa does not in any way address that problem at all.

I ask unanimous consent this article also be printed in the RECORD.

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

[From Computerworld, Oct. 5, 1998]

THE MILLENNIUM'S SUPERSTARS

YEAR 2000 PROJECT MANAGERS ARE WORTH THEIR WEIGHT IN GOLD. HOW DO YOU KEEP THEM?

(By Kathleen Melymuka)

The year 2000 retention drama is playing out differently from what was expected. The widely anticipated programmer shortage never quite materialized, but another shortage has proved far more dangerous.

"We'd always heard the industry speak of demand for programmers, but the more critical and unexpected demand is for project managers," says Irene Dec, vice president of information systems at The Prudential Insurance Company of America in Newark, N.J.

"Those are the people that make the different between success and failure," says Chas Snyder, who heads the year 2000 project at Levi Strauss & Co. in San Francisco. "If somebody is experienced at running an effort like this for a large company, the knowledge they develop is invaluable."

Keeping programmers "has not been as big a problem as people thought it was going to be," says Jim Jones, managing director of the year 2000 group at the Information Management Forum in Atlanta. "It's not the worker-bee folks they're hurting for; it's project managers."

An August survey of 100 contracting and consulting firms by the Information Technology Association of America (ITAA) showed that the "overwhelming majority" have more programmers than they can use. The ITAA called the anticipated programmer shortage "a marketplace failing to live up to its prior billing."

The supply of year 2000 programmers has been bigger than expected because many corporations outsourced coding to offshore companies, vendors developed year 2000 tools that automated much of the coding process, and schools and training facilities graduated a bumper crop of programmers geared to the job.

With programmers available, companies realized where the real crunch would be. "Even the best programmers in the world can't make it happen if no one is managing," Dec says.

Depending on the organization, year 2000 project managers may be found at every level—and every salary—from corporate vice presidents through division managers, business functional team leaders and department honchos. There may be one project manager, or there may be a pyramid of project managers—from each division or business unit, for example—reporting to a chief. But wherever they are found, they are hard to keep. "We know that our people are being called [by headhunters] because they tell us," says Gael Hanover, senior director of human resources for information systems at Sears, Roebuck and Co. in Hoffman Estates, Ill.

"Consulting firms can dangle pretty big salaries, and we can't."

In fact, some consulting firms are so desperate for project managers that they are willing to pay them at the rate they bill customers for their services. "The projects can't get done without project managers, so if they bill [companies] at $125 an hour, they're willing to give [project managers] $125 an hour," Jones says. "No corporation can do that."

But corporations have come up with other strategies to keep their year 2000 project managers on the job through the millennium. Some strategies rely on the lure of money and perks, but most are based on the understanding that retention has to be a long-term effort because the need for project managers won't go away after 2000.

RECOGNITION AND ROTATION

At Kraft Foods, Inc. in Northfield, Ill., where the overall IS turnover rate is 5%, Chief Information Officer Jim Kinney has been very careful to make year 2000 a high-profile, high-recognition temporary job. "We've chosen very good people for project teams," he says. Most work only on the application set for which they're normally responsible. "Once that's finished, they rotate back to their regular assignment," Kinney explains.

Smart companies are making sure their year 2000 project managers don't stagnate during the project. "Folks focused on year 2000 are being sent to appropriate training and conferences and classes so they can stay up with technology," Dec says. She has lost only five of the 60 to 80 people in her year 2000 program management team.

Keane, Inc. in Boston, a provider of year 2000 services, has established an internal organization to look after the career development of its project managers, says David Pollard, Keane's director of recruiting.

"Rather than simply throw cash at the issue, we tapped into meeting their development objectives and getting [them] the right training so they can be successful in the long haul," he says. Turnover has declined 30% since the development organization was founded last year.

MONEY

There's nothing wrong with money judiciously deployed, and bonuses of 20% of salary aren't uncommon. Sears is offering year 2000 project managers and selected other periodic cash bonuses through April 2000.

"If we lost one of these folks, we would be hurting more than if we lost 10 other people. So rather than spread [the money] to everyone, we do more for some," Hanauer says.

BE PREPARED

Nothing can guarantee that you will retain the people crucial to your year 2000 effort. Knowing that, Snyder planned for the worst. "My biggest fear was to lose people in high leverage points," he says. "So for my core four or five managers, I designed responsibilities to be shared. That way, if I lost one, we could cover the responsibility easily."

He did lose one, he says, "but we were able to pick up the slack running."

THE BIG PICTURE

Unlike year 2000 programmers, who know their peak earning time is limited, project managers have the luxury of a long view. If your company's view is the same, you have an advantage. "Year 2000 is a short-term brass ring," Snyder says. "There might be enough in a year or two to make it worthwhile for some people to leave, but if you're thinking long term, it's not enough. The people I have are long-term Levi's employees, and they plan on staying here."•

Mr. HARKIN. Mr. President, I think this bill, at the time it came up, was probably well intentioned.

Another article I want to have printed in the RECORD is an article from Labor Relations Week, dated September 30, 1998:

The latest data from the Challenger report showed that so far this year, electronics industry job reductions announcements have totaled 60,845, and those in the computer industry totaled 40,642.

I ask unanimous consent this article be printed in the RECORD.

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

[From Labor Relations Week, Sept. 30, 1998]

LAYOFF REPORTS OUTPACING LEVEL SEEN LAST YEAR; HIGH-TECH HIT HARD

With high-technology industries particularly hard hit, the pace at which U.S. corporations are announcing workforce reductions remained brisk through August, according to the latest figures from the international outplacement firm Challenger, Gray & Christmas.

In August, U.S. companies announced that they plan to make job cuts totaling 37,717, the Challenger report, released Sept. 8, said. That figure, while it was smaller than reported in July, put the total for the first eight months of this year at 358,394—which is 37 percent higher than the total for the comparable period of 1997.

In fact, the January-to-August total for this year is only 11 percent lower than the total reported by Challenger for the same period in 1993, the year that the firm began its layoff survey.

"There have been a significant number of downsizing announcements in 1998, reflecting a number of factors that include the global situation, especially in Asia." John Challenger, executive vice president of the firm, told BNA. He said that given the increased pressure on some U.S. industries due to the Asian economic crisis, there are likely to be more layoff announcements in the industries most affected.

The latest data from the Challenger report showed that so far this year, electronics industry job reductions announcements have totaled 60,845, and those in the computer industry totaled 40,642.

"We've seen the 10 largest mergers in [U.S.] history all announced since last fall," Challenger said, citing another indication of labor market flux. In many cases, companies are reducing their workforces in one area at the same time that they are adding employees in other areas, he said.

While Challenger said that he does not expect 1998 to surpass 1993 in total layoff announcements, he said that the fact that the total for the first eight months of this year is so close to 1993 total indicates that "companies are quicker to respond to changes in the marketplace."

Layoff announcements tracked by the Challenger firm are based on publicly released estimates of planned workforce reductions that could take place immediately or over an extended period of time, the firm said. Announcements of job reduction plans are verified by the Challenger firm, and the tallies are revised only if companies announce that they have changed their plans, the firm said.

Mr. HARKIN. Mr. President, I object because I think while this maybe had some legitimacy at some time because of the projected shortage in computer programmers, every indication is that has not happened.

Obviously, we don't need to pass this bill right now. I think we can take another look at it next year to see if, in fact, there is any problem. We can always come back and look at this again next year, but right now it does not appear that the demand is there that they anticipated a couple of years ago.

Mr. COATS. Mr. President, first of all, I thank the Senator from Iowa for his kind comments. We have served together in the Labor Committee for a 10-year period of time. While we have had our disagreements, we have also agreed on a number of things. I have enjoyed working with him.

I understand, but regret, the objection of this unanimous consent request. There obviously is a difference of opinion as to the need for support in the technology industry, the computer industry, particularly with the Y2K problem. That issue will have to be resolved. There is honest disagreement here. We will pick the issue up in the next Congress.

Mr. ABRAHAM. Mr. President, I would like to turn my attention briefly to the issue which was discussed by the Senator from Iowa in raising objection to proceeding with the legislation aimed at trying to expand the number of H–1B entries as permitted on an annual basis to be employed by American businesses.

The Senator focused on a very narrow issue in raising his objection—specifically, the argument based on several newspaper stories that there is not a shortage of skilled workers in the high-tech industries.

Virtually every study that I have seen—and as the principal sponsor of the legislation when it was in the Senate, I made most of those available as part of the RECORD—indicates that, indeed, we have a very severe shortage in these high-tech worker job slots. Virginia Tech University conducted a recent study which indicated over 340,000 vacancies in information technology positions that exist today in this country. Our Department of Commerce conducted a study which revealed it is anticipated that in each of the next 10 years we will generate over 130,000 new information technology jobs and yet the combined resources of our colleges, universities, and job training programs and high schools is only likely to fill a fraction of those every year. This is a severe problem, and it is especially severe at this time.

The Senator from Iowa talks about moving us to next year. Well, next year just happens to be the last few months prior to the year 2000. By the time this legislation might be brought back before us, we will be in a situation where

the Federal Government as well as the companies from one end of America to the other are going to be confronted with the final crisis stages of trying to prepare our high-tech systems for the Year 2K problems that we have all been raving so much about.

If we do not pass this legislation, it is going to be Senators such as the Senator who raised this objection and others who have impeded the progress in this legislation who are going to have to explain to all of those whose systems break down why it is that happened, because one of the problems we are having confronting the Year 2K problems is an inadequate number of people to perform all of the various information technology jobs required to be conducted for those problems to be fixed. That is just one aspect of it. It is late in the evening so I am not going to go into all of the many others, but I think that any study that has been conducted by serious researchers reveals that there not only exists, but will continue to be, an ever larger number of vacancies in this area.

This legislation that was stopped tonight not only covers increasing the number of high-tech workers, it also is a very important piece of legislation to our academic institutions—in two respects. First, regarding many of the high-tech jobs, many of the H-1B visa users are in fact employed on our campuses teaching American kids how to perform these high-technology jobs so we can meet the demand in this area in the future. If we do not have these scientists, these educators, we are going to continue to fail to meet the challenge.

In addition, our academic institutions were relying on the passage of this legislation to address a very serious problem created by the Hathaway decision with regard to the prevailing wage they must pay people who come in under the H-1B Program. So this does not just affect the private sector, it affects our academic institutions as well.

In addition, the Senator from Iowa and others who question the problem do not need to just listen to people on our side of the aisle. They can listen to the President of the United States who, I believe just 2 weeks ago this evening, was in Silicon Valley in California before a group of executives from the high-tech industries there talking about this issue. The day after his staff and my staff and I reached agreement on the legislation that has been blocked this evening, he took credit for the ability, that we were then apparently going to have, to move forward to it and acknowledged the need for the legislation in taking credit for the settlement and agreement we had reached.

Obviously, whether it is the White House, the Department of Commerce, Virginia Tech University, or any one of a number of other sources, there is an acknowledged existence of a problem here that has to be addressed. I am extremely disappointed at what has transpired this evening.

I would just say, in conclusion, we have not, obviously, reached the end of this session. There is still some time, hopefully, for reconsideration by the Senator from Iowa and any others who may have concerns. I hope they will rethink this. I hope they will realize, in undermining this legislation, in stopping it at this time, they are going to be hurting not just the business sector and the information technology sector, but the academic sector. They are also going to prevent us from instituting a whole new array of job training programs and scholarship programs that were going to be launched by this legislation. So I hope they will take a look at that, reconsider, and if they look at the numbers a little more closely, I think they will reach the same conclusions we have.

Mr. President, I close by saying I hope the Senator from Iowa, and others who might share his position, again will look closely at the statistics I have talked about tonight, examine all the other aspects of this legislation and what it will mean if it does not move forward in all the different contexts I have outlined and the many others I have not had time for, rethink whether or not it is appropriate to put this off to some future date, and think about the consequences, whether it is in the context of the Y2K problems or the current economic conditions we have in the world marketplace where America's high-tech industries' growth is essential to the maintenance of our economic strength, and reconsider their position.

I yield the floor.

PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

Mr. COATS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 587, H.R. 3494.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3494) to amend Title 18 United States Code with respect to violent sex crimes against children, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protection of Children From Sexual Predators Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.
Sec. 102. Coercion and enticement.
Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.
Sec. 104. Repeat offenders in transportation offense.
Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
Sec. 106. Transportation generally.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.
Sec. 202. Increased penalties for child pornography offenses.

TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.
Sec. 302. Increased penalties for abusive sexual contact.
Sec. 303. Repeat offenders in sexual abuse cases.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.
Sec. 502. Sentencing enhancement for chapter 117 offenses.
Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.
Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.
Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.
Sec. 506. Clarification of definition of distribution of pornography.
Sec. 507. Directive to the United States Sentencing Commission.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.
Sec. 602. Criminal forfeiture for offenses against minors.
Sec. 603. Civil forfeiture for offenses against minors.
Sec. 604. Reporting of child pornography by electronic communication service providers.
Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.
Sec. 606. Administrative subpoenas.
Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.
Sec. 702. Kidnapping.

Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.
Sec. 802. Recommended prohibition.
Sec. 803. Survey.

TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.
Sec. 902. Study of hotlines.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2425. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Use of interstate facilities to transmit information about a minor.".

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to do so," before "shall be fined"; and

(B) by striking "five" and inserting "10"; and

(2) by striking subsection (b) and inserting the following:

"(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both."; and

(2) in subsection (b), by striking "10 years" and inserting "15 years".

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2426. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

"(b) DEFINITIONS.—In this section—

"(1) the term 'prior sex offense conviction' means a conviction for an offense—

"(A) under this chapter, chapter 109A, or chapter 110; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

"(2) STATE.—the term 'State' means a State of the United States, the District of Columbia, any commonwealth, possession, or territory of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2426. Repeat offenders.".

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

"In this chapter, the term 'sexual activity for which any person can be charged with a criminal offense' includes the production of child pornography, as defined in section 2256(8).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.".

SEC. 106. TRANSPORTATION GENERALLY.

Section 2421 of title 18, United States Code, is amended—

(1) by inserting "or attempts to do so," before "shall be fined"; and

(2) by striking "five years" and inserting "10 years".

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting "if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting ", if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(c) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking "or chapter 109A" each place it appears and inserting ", chapter 109A, or chapter 117".

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

(b) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

TITLE III—SEXUAL ABUSE PREVENTION

SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(b) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".

(c) STATE DEFINED.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.".

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.".

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

"§2247. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term 'prior sex offense conviction' has the meaning given that term in section 2426(b).".

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§ 1470. Transfer of obscene material to minors

"Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"1470. Transfer of obscene material to minors.".

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

"(A) the victim of the offense has not attained the age of 14 years;

"(B) the victim dies as a result of the offense; and

"(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

"(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.".

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term "distribution of pornography" applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) any felony under chapter 109A, 110, or 117; and".

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2253 of title 18, United States Code, is amended by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,".

SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,"; and

(2) in paragraph (3), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,".

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

"SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'electronic communication service' has the meaning given the term in section 2510 of title 18, United States Code; and

"(2) the term 'remote computing service' has the meaning given the term in section 2711 of title 18, United States Code.

"(b) REQUIREMENTS.—

"(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances that provide probable cause to believe that a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), has occurred shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

"(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this

section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

"(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

"(A) in the case of an initial failure to make a report, not more than $50,000; and

"(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

"(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

"(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

"(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

"(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

"(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

"(A) to an attorney for the government for use in the performance of the official duties of the attorney;

"(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

"(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

"(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

"(2) DEFINITIONS.—In this subsection, the terms 'attorney for the government' and 'State' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.".

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

"(6) to a law enforcement agency—

"(A) if the contents—

"(i) were inadvertently obtained by the service provider; and

"(ii) appear to pertain to the commission of a crime; or

"(B) if required by section 227 of the Crime Control Act of 1990.".

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423".

SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

"§3486. Administrative subpoenas in Federal health care investigations"; and

(2) by adding at the end the following:

"§3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

"(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

"(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.

"(2) ATTENDANCE OF WITNESSES.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) PROCEDURES APPLICABLE.—The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

"3486. Administrative subpoenas in Federal health care investigations.

"3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.".

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

"(i) GRANTS TO STATES FOR COSTS OF COMPLIANCE.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the 'Director') shall carry out a program, which shall be known as the 'Sex Offender Management Assistance Program' (in this subsection referred to as the 'SOMA program'), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

"(B) USES OF FUNDS.—Each grant awarded under this subsection shall be—

"(i) distributed directly to the State for distribution to State and local entities; and

"(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

"(2) ELIGIBILITY.—

"(A) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

"(i) the State complies with (or made a good faith effort to comply with) this section; and

"(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

"(B) REGULATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

"(ii) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.".

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§540B. Investigation of serial killings

"(a) IN GENERAL.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

"(b) DEFINITIONS.—In this section:

"(1) KILLING.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

"(2) SERIAL KILLINGS.—The term 'serial killings' means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

"(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

"540B. Investigation of serial killings.".

SEC. 702. KIDNAPPING.

(a) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting ", regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began" before the semicolon.

(b) TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking "designated" and inserting "described".

(c) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.".

SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the "Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center" (in this section referred to as the "CASMIRC").

(b) PURPOSE.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the "NCAVC"), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) CONFORMING AMENDMENT.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) CONTENTS OF STUDY.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

AMENDMENT NO. 3811

(Purpose: To make technical and conforming amendments)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. HATCH, Mr. LEAHY, and Mr. DEWINE, proposes an amendment numbered 3811.

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

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

The amendment is as follows:

On page 116, lines 22 and 23, strike "territory" and insert "commonwealth, territory,".

On page 118, strike lines 1 through 3, and insert the following:

"(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United".

On page 132, lines 9 and 10, strike "that provide probable cause to believe that" and insert "from which".

On page 132, line 13, strike "has occurred" and insert "is apparent,".

Mr. COATS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 3811) was agreed to.

AMENDMENT NO. 3812

(Purpose: To amend chapter 110 of title 18, United States Code, to provide for "zero tolerance" for possession of child pornography)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for Mr. HATCH, proposes an amendment numbered 3812.

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

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

The amendment is as follows:

On page 121, between lines 6 and 7, insert the following:

SEC. 203. "ZERO TOLERANCE" FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking "3 or more" each place that term appears and inserting "1 or more"; and

(2) by adding at the end the following:

"(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

"(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.".

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking "3 or more images" each place that term appears and inserting "an image"; and

(2) by adding at the end the following:

"(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

"(1) possessed less than 3 images of child pornography; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.".

Mr. COATS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, the bill considered read the third time and passed, as amended, the amendment to the title be agreed to, and the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment (No. 3812) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (H.R. 3494), as amended, was considered read the third time, and passed.

The title amendment was agreed to.

The title amendment, as amended, was agreed to.

The title was amended so as to read: "To amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes."

Mr. HATCH. Mr. President, I am pleased to note the passage of H.R. 3494, the Hatch-Leahy-DeWine "Protection of Children from Sexual Predators Act of 1998." I want to thank Senators LEAHY and DEWINE for their cooperation in drafting and advocating the passage of this important piece of legislation. I also want to commend Congressman MCCOLLUM for his determined efforts in marshaling H.R. 3494 through the House.

Although it was necessary to make some changes to the House version in an effort to achieve bipartisan support in the Senate, the final product is a strong bill which goes a long way toward improving the ability of law enforcement and the courts to respond to high-tech sexual predators of children. Pedophiles who roam the Internet, purveyors of child pornography, and serial child molesters are specifically targeted.

The Internet is a wonderful creation. By allowing for instant communication around the globe, it has made the world a smaller place, a place in which people can express their thoughts and ideas without limitation. It has released the creative energies of a new generation of entrepreneurs and it is an unparalleled source of information.

While we should encourage people to take full advantage of the opportunities the Internet has to offer, we must also be vigilant in seeking to ensure that the Internet is not perverted into a hunting ground for pedophiles and other sexual predators, and a drive-through library and post office for purveyors of child pornography. Our children must be protected from those who would choose to sexually abuse and exploit them. And those who take the path of predation should know that the consequences of their actions will be severe and unforgiving.

How does this bill provide additional protection for our children? By prohibiting the libidinous dissemination on the Internet of information related to minors and the sending of obscene material to minors, we make it more difficult for sexual predators to gather information on, and lower the sexual inhibitions of, potential targets. By prohibiting to possession of even one item or image containing child pornography, we are stating in no uncertain terms that we have "zero tolerance" for the sexual exploitation of children. And by requiring electronic communication service providers to report the commission of child pornography offenses to authorities, we mandate accountability and responsibility on the Internet.

Additionally, law enforcement is given effective tools to pursue sexual predators. The Attorney General is provided with authority to issue administrative subpoenas in child pornography cases. Proceeds derived from these offenses, and the facilities and instrumentalities used to perpetuate these offenses, will be subject to forfeiture. And prosecutors will not have the power to seek pretrial detention of sexual predators prior to trial.

Federal law enforcement will be given increased statutory authority to assist the States in kidnapping and serial murder investigations, which often involve children. In that vein, H.R. 3494 calls for the creation of the Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center. That center will gather information, expertise and resources that our nation's law enforcement agencies can draw upon to help combat these heinous crimes.

Sentences for child abuse and exploitation offenses will be made tougher. In addition to increasing the maximum penalties available for many crimes against children and mandating tough sentences for repeat offenders, the bill will also recommend that the Sentencing Commission reevaluate the guidelines applicable to these offenses, and increase them where appropriate to address the egregiousness of these crimes. And H.R. 3494 calls for life imprisonment in appropriate cases where certain crimes result in the death of children.

Protection of our children is not a partisan issue. We have drawn upon the collective wisdom of the House as well as from Senators on both sides of the aisle to draft a bill which includes strong, effective legislation protecting children. Once again, I urge the House to act quickly to pass this bill so that we can get it to the President for his signature this session. Protection for our children delayed is protection denied.

Mr. LEAHY. Mr. President, I am glad that we have been able to achieve passage of a bill that will help protect children from sexual predators.

As the leaders of the Senate Judiciary Committee, it is the responsibility of Chairman HATCH and myself to schedule legislation for consideration by the Committee and to draft changes, if warranted. Many bills never are scheduled for committee votes, and as the legislative session draws to a close, it becomes increasingly important that any bills brought to the Senate Floor adequately address concerns raised, to improve their chances for enactment. At this stage of the legislative process, even one senator can prevent passage of an ill-considered or controversial bill. Passage today of the Hatch-Leahy-DeWine substitute to H.R. 3494 is due to the efforts of those members who have worked to resolve the legitimate concerns raised by the original bill we received from the House.

In the case of H.R. 3494, the Chairman and I, joined by Senator DEWINE. worked hard to bring forward a bill that was both strong and sensible and that would have a chance to win enactment in the short time remaining in the legislative session.

Unlike some who may just want to score political points, we actually want to enact this bill to protect children, something that I worked hard to do as a prosecutor, when I convicted child molesters in the state of Vermont. We wanted to bring forward a bill that could pass.

The problem area is the original House bill as it reached the Committee centered on its unintended consequences for law enforcement, regulation of the Internet, and important privacy rights that have nothing to do with child pornography.

As I have said before, the whole world watches when the United States regulates the Internet, and we have a special obligation to do it right.

The goal of H.R. 3494, and of the Hatch-Leahy-DeWine substitute, is to provide stronger protections for children from those who would prey upon them. Concerns over protecting our children have only intensified in recent years with the growing popularity of the Internet and the World Wide Web. Cyberspace gives users access to a wealth of information; it connects people from around the world. But is also creates new opportunities for sexual predators and child pornographers to ply their trade.

The challenge is to protect children from exploitation in cyberspace while ensuring that the vast democratic forum of the Internet remains an engine for the free exchange of ideas and information.

The Hatch-Leahy-DeWine version of the bill meets this challenge. While neither version is a cure-all for the scourge of child pornography, the substitute is a useful step toward limiting the ability of cyber-pornographers and predators from harming children.

The bill has come a long way since it was passed by the House last June. Significant objections were raised by civil liberties organizations and others to provisions in the original H.R. 3494, and we worked hard on a bipartisan basis to ensure that this bill would pass in the short time remaining in this Congress.

I thank the Chairman and Senator DEWINE, and other members of the Committee, for working together to address the legitimate concerns about certain provisions in the House-passed bill, and to make this substitute more focused and measured. Briefly, I would like to highlight and explain some of the changes we made, and why we made them.

As passed by the House, H.R. 3494 would make it a crime, punishable by up to 5 years' imprisonment, to do nothing more than "contact" a minor, or even just attempt to "contact" a minor, for the purpose of engaging in sexual activity. This provision, which would be extremely difficult to enforce and would invite court challenges, does not appear in the Hatch-Leahy-DeWine substitute. In criminal law terms, the act of making contact is not very far along the spectrum of an overt criminal act. Targeting "attempts" to make contact would be even more like prosecuting a thought crime. It is difficult to see how such a provision would be enforced without inviting significant litigation.

Another new crime created by the House bill prohibited the transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. In its original incarnation, this provision would have had the absurd result of prohibiting a person under the age of consent from e-mailing her own address or telephone number to her boyfriend. The Hatch-Leahy-DeWine substitute fixes this problem by making it clear that a violation must involve the

transmission of someone else's identifying information. In addition, to eliminate any notice problem arising from the variations in state statutory rape laws, the Senate bill conforms the bill to the federal age of consent—16—in provisions regarding the age of the identified minor. The Senate bill also clarifies that the defendant must know that the person about whom he was transmitting identifying information was, in fact, under 16. This change was particularly important because, in the anonymous world of cyberspace, a person may have no way of knowing the age of the faceless person with whom he is communicating.

Another provision of the House bill, which makes it a crime to transfer obscene material to a minor, raised similar concerns. Again, the Hatch-Leahy-DeWine bill lowers the age of minority from 18 to 16—the federal age of majority—and provides that the defendant must know he is dealing with someone so young. This provision of the Senate bill, like the House bill, applies only to "obscene" material—that is, material that enjoys no First Amendment protection whatever—material that is patently offensive to the average adult. The bill does not purport to proscribe the transferral of constitutionally protected material.

The original House bill would also have criminalized certain conduct directed at a person who had been "represented " to be a minor, even if that person was, in fact, an adult. The evident purpose was to make clear that the targets of sting operations are not relieved of criminal liability merely because their intended victim turned out to be an undercover agent and not a child. The new "sting" provisions addressed a problem that simply does not currently exist: No court has ever endorsed an impossibility defense along the lines anticipated by the House bill. The creation of special "sting" provisions in this one area could unintentionally harm law enforcement interests by lending credence to impossibility defenses raised in other sting and undercover situations. At the same time, these provisions would have criminalized conduct that was otherwise lawful: It is not a crime for adults to communicate with each other about sex, even if one of the adults pretends to be a child. Given these significant concerns, the "sting" provisions have been stricken from the House Leahy-DeWine substitute.

Another concern with the House bill was its modification of the child pornography possession laws. Current law requires possession of three or more pornographic images in order for there to be criminal liability. Congress wrote this requirement into the law as a way of protecting against government overreaching. By eliminating this numeric requirement, the House bill put at risk the unsuspecting Internet user who, by inadvertence or mistake, downleaded a single pornographic image of a child. While we support the concept of zero tolerance for child pornography, the inevitable result of the House language in overriding the earlier congressional definition would be to chill the free exchange of information over the Web by making users fearful that, if they download illegal material by mistake, they could go to jail.

More importantly, this provision could also inadvertently harm law enforcement interests by chilling those who inadvertently or mistakenly come upon child pornography from bringing the material to the attention of law enforcement officers. Technically, under the House-passed bill, these law-abiding citizens would be subject to criminal liabiilty.

Efforts to avoid these unintended consequences, while promoting zero tolerance of child pornography, could not be resolved in the time constraints facing the Committee. However, our bipartisan efforts to draft workable language have borne fruit. The Hatch-Leahy-DeWine-Sessions amendment accommodates the objective of "zero balance" for child pornography, but permits a narrow affirmative defense for certain defendants who, in good faith, destroyed the prohibited material or reported it to law enforcement authorities. With this amendment, we have achieved zero tolerance without unintended consequences for innocent Internet users and for law enforcement.

The House bill would have given the Attorney General sweeping administrative authority to subpoena records and witnesses investigations involving crimes against children. This proposed authority to issue administrative subpoenas would have given federal agents the power to compel disclosures without any oversight by a judge, prosecutor, or grand jury, and without any of the grand jury secrecy requirements. We appreciate that such secretary requirements may pose obstacles to full and efficient cooperation of federal/state task forces in their joint efforts to reduce the steadily increasing use of the Internet to perpetrate crimes against children, including crimes involving the distribution of child pornography. In addition, we understand that some U.S. Attorneys' Offices are reluctant to open grand jury investigations when the only goal is to identify individuals who have not yet, and may never, commit a federal (as opposed to state or local) offense.

The Hatch-Leahy-DeWine substitute accommodates these competing interests by granting the Department a narrowly drawn authority to subpoena the information that it most needs: Routine subscriber account information from Internet Service Providers (ISPS), which may provide appropriate notice to subscribers.

The new reporting requirement established by H.R. 3494 would also create new problems. Under current law, ISPs are generally free to report suspicious communications to law enforcement authorities. Under H.R. 3494, ISPs would be required to report such communications when they involve child pornography; failure to do so would be punishable by a substantial fine.

In addressing this issue, the Chairman, Senator DEWINE and I are committed to eradicating the market of child pornography, believing that child pornography is inherently harmful to children. ISPs that come across such material should report it, and, in most cases, they already do. We must tread cautiously, however, before we compel private citizens to act as good Samaritans or to assume duties and responsibilities that are better left to law enforcement following statutory defined procedures to safeguard privacy and ensure due process.

The ISPs have cooperated in refining this provision of the House bill to make it more workable. Particular consideration was given to the appropriate standard for triggering a duty to report. We wanted to make the bar sufficiently high to discourage ISPs from erring on the side of over-reporting every questionable image. Over-reporting would overwhelm law enforcement agencies with worthless investigative leads and make it more difficult for them to isolate the leads worth pursuing. Over-reporting would also jeopardize the First Amendment rights of Internet users, while needlessly magnifying the administrative burden of the ISPs.

Under H.R. 3494, ISPs have a duty to make a report to law enforcement authorities only when they obtain knowledge of material from which a violation of the federal child pornography laws "is apparent." While the committee-reported bill required ISPs to make a report only when they had "probable cause" to believe that the child pornography laws were being violated, the substitute passed today adopts an "is apparent" standard. The latter standard is stricter than the "probable cause" standard and so will reduce any incentive for over-reporting. I ask unanimous consent that a letter from America Online regarding the "is apparent" standard be included in the record.

If the "is apparent" standard is met, an ISP must expeditiously file a report with law enforcement authorities. This report is to include the "facts or circumstances" from which a violation of the law is apparent, so that law enforcement agencies can determine whether or not further investigation or prosecution is called for. Information in the ISP's files identifying the name of a subscriber does not fall within this description, since child pornography offenses will either be apparent or not, without regard to the name of a party

to an image transmission or other violative act. If law enforcement determines that further investigation is warranted, it may subpoena, the ISP for any identifying information that the ISP may possess. The new administrative subpoena power should expedite this process.

The substitute also refines the reporting requirement in other ways:

First, by providing that there is no liability for failing to make a report unless the ISP knew both of the existence of child pornography and of the duty to report it (if it rises to the level of probable cause).

Second, by making clear that we are not imposing a monitoring requirement of any kind: ISPs must report child pornography when they come across it or it is brought to their attention, but they are not obligated to go out looking for it, which raises significant privacy concerns and conflicts with other laws.

Third, by adding privacy protections for any information reported under the bill.

Fourth, to protect smaller ISPs who could be put out of business for a first offense, by lowering the maximum fine for first offenders to $50,000; a second or subsequent failure to report, however, may still result in a fine of up to $100,000.

Thus, improved, the reporting requirement will accomplish its objectives without violating the privacy rights of Internet users, unduly burdening the ISPs, or inundating law enforcement with a lot of worthless information.

In conclusion, I commend Senators HATCH and DEWINE for their efforts to address the terrible problem of child predators and pornographers. I am glad that we were able to join forces to construct a substitute that goes a long way toward achieving our common goals.

AMERICA ONLINE INC.,
Washington, DC, September 25, 1998.

Hon. PATRICK LEAHY,
Ranking Member, Judiciary Committee, US Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to follow up on the letter of September 18 on the ISP reporting provisions of H.R. 3494, to which America Online was a signatory.

In discussions preceding markup, there was an ISP request for a tighter standard for the duty-to-report screening test, to avoid unnecessary and counter-productive reporting. In response, the committee used a "probable cause" standard. While we are grateful for your intent, there has remained some uncertainty about the effect of the original "is apparent" standard and, thus, about which standard is actually more limiting of the material covered, and thus more workable for ISP's. Subsequently, a number of ISP's have analyzed and discussed the question, and it is our collective judgment that the "is apparent" standard is preferable. This is the basis for our request that the language be changed.

To elaborate: under proposed 227(b)(1) of the Victims of Child Abuse Act, as added by Sec. 604 of H.R. 3494, Internet and online service providers (ISP's) would have a duty to report to a law enforcement authority any child pornography of which it gains knowledge in the provision of its service. In each case the ISP must judge whether material is covered under this duty or not. The test it uses in this process of analysis is the subject of our request. Based on our review of the history of the "is apparent" standard, we believe it to result in a narrower reporting scope than "probably cause," which at best calls for an uncertain "more likely than not" judgment.

A more workable approach is to trigger the duty when the ISP receives knowledge of "facts or circumstances from which a violation of [applicable law] is apparent * * *" While the ISP has no duty to monitor its users, in essence this language creates a "red flag:" if the ISP in the operation of its service obtains knowledge of material which is clearly child pornography, a red flag should be raised. Such material must be reported to the authorities. It is not, the ISP may be heavily fined—it ignores the red flag at its peril.

As you are aware, this standard originated in Title II of the Digital Millennium Copyright Act, developed in the Judiciary Committee and passed 99–0 by the Senate earlier this summer. For material present on ISPs' servers or material to which ISP's link on the Internet, committee desired to create a standard of liability triggered by disregard of any "red flags". It sought a test falling between the familiar "should have known, could have known" standard, which was deemed too broad in its coverage, and absolute certainty of infringement, which was deemed too narrow. "Apparent" has more the meaning of "clear on its face," and is a higher standard of evidence of illegality than "probable cause", which implies "more likely than not, based on all the circumstances.". As the bill's extensively-negotiated "Section by Section" written analysis states: "Under this standard, a service provider would have no obligation to seek out copyright infringement, but it would not qualify for the safe habor if it had turned a blind eye to 'red flags' of obvious infringement."

Again, given this history and understanding of the "is apparent" standard, we believe it will be a significant improvement over "probable cause" in H.R. 3494's duty-to-report provisions.

In conclusion, thank you for your willingness to continue working with us on this point. Your sensitivity, and that of the Chairman, have once again been crucial in laying down a workable legislative road map for the Internet/online medium.

Very truly yours,

JILL A. LESSER,
Director, Law & Public Policy,
Assistant General Counsel.

Mr. LAUTENBERG. Mr. President, we live in a world where it is increasingly difficult to protect our children. The advent of sophisticated computer technology has made it too easy for depraved criminals to gather information about children and prey upon them. And nothing is more heinous and reprehensible than the brutalization of a child. We cannot be too vigilant in the battle against child predators.

I am pleased that today, with the passage of the Child Protection and Sexual Predator Punishment Act, the Senate is marching forward in this fight. This legislation will provide tough punishment for those who would sexually abuse the youth of our Nation.

This measure contains an important provision, the Joan's Law Act, that Senator TORRICELLI and I originally introduced as a separate bill. This measure is based on a New Jersey law, which was named after a 7-year-old-girl, Joan D'Alessandro. Tragically, Joan was raped and killed in 1973. Although her murderer was convicted of the crime and sentenced to 20 years in State prison, he has become eligible for parole and continues to seek his release.

Joan's family has repeatedly had to fight against parole for this vicious killer. They have been forced to relive this tragedy again and again, as they try to ensure that others are protected from the terrible horror they have suffered.

Joan's law will spare other families from these battles. It provides that, unless the death sentenced is imposed, any criminal convicted of a sexual offense that results in the death of a minor under the age of 14 will be sentenced to life imprisonment. With this effort, we will ensure that cold-blooded murderers who abuse our children will be kept behind bars for the rest of their lives.

Mr. President, I wish that we could do more to alleviate the pain and trauma suffered by the D'Alessandro family. With profound courage and dignity, they have endured so much for so long. Their relentless battle for justice, and their tireless efforts to protect others is an inspiration to us all. I am deeply heartened that Congress has passed this legislative memorial to Joan.

Mr. CONRAD. Mr. President, I would like to say a few words about my strong support of the Mississippi Sioux Tribes Judgment Fund Distribution Act.

In 1967, the Indian Claims Commission rendered a judgment in favor of the Sisseton-Wahpeton Sioux Tribe, the Devils Lake Sioux Tribe (now the Spirit Lake Nation), and the Assiniboine and Sioux Tribe of Fort Peck, to satisfy land compensation claims. In 1968, Congress appropriated $5.9 million for this settlement.

In 1972, Congress passed legislation to provide for the distribution of this award to the three Tribes. Twenty-five percent ($1.5 million) was set aside for lineal descendants who are not tribal members. Funds were distributed to the Devils Lake Sioux and the Sisseton-Wahpeton Sioux in 1974, and a partial distribution was made to the Assiniboine and Sioux Tribe in 1979. However, because the original judgment did not include shares for the lineal descendants, the issue has been tied up in litigation and the lineal descendants' share of the funds has remained undistributed since the passage of distribution legislation in 1972. Since that

time, the interest on the fund has grown to nearly $15 million. The bill we have approved today will distribute 71.6005 percent of these funds to the lineal descendants, and 28.3995 percent to the Tribes.

I say again, as I have said on numerous occasions, this situation has gone on long enough. Neither the Tribes nor the lineal descendants benefit from these funds being tied up in court. The Indian Affairs Committee has worked with the Tribes, the Department of the Interior, and representatives of the lineal descendants to craft the compromise embodied in this legislation.

Mr. President, I am pleased by the passage of this legislation, which helps finalize a judgment made three decades ago. This legislation is a fair compromise, one that will help break the stalemate that has prevented the distribution of these judgment funds. I thank my colleagues for their support and assistance.

AMENDING THE ARMORED CAR INDUSTRY RECIPROCITY ACT OF 1993

Mr. COATS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 538, H.R. 624.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 624) to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COATS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 624) was considered read the third time, and passed.

ANTI-MICROBIAL REGULATION TECHNICAL CORRECTIONS ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4679, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4679) to amend the Federal Food, Drug and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COATS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 4679) was considered read the third time, and passed.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. COATS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 708, S. 391.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term "Fund Account" means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

(A) IN GENERAL.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) AGGREGATE AMOUNT.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN THE FUND ACCOUNT.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) USE.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) TRIBAL TRUST FUND ACCOUNTS.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) MANAGEMENT.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) EXEMPTION.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

(b) APPLICABILITY.—Section 304 of Public Law 92–555 (25 U.S.C. 1300d–8) shall apply to any funds distributed under this Act.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) IN GENERAL.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) DISTRIBUTION.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) VERIFICATION OF ANCESTRY.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the "1862 Minnesota Outbreak";

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking ", plus accrued interest,"; and

(ii) by inserting "plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998)," after "docket numbered 359,"; and

(B) in the table contained in that subsection, by striking the item relating to "All other Sisseton and Wahpeton Sioux".

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking "The Secretary" and inserting "Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary".

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300–d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

Mr. DORGAN. Mr. President, S. 391, the Mississippi Sioux Judgment Fund Distribution Act is a bill intended to resolve a longstanding problem with respect to a judgment fund distribution to Sisseton and Wahpeton tribes in the Dakotas and Montana. The bill would distribute an additional 7.1 percent of the funds, plus accrued interest, awarded by the Indian Claims Commission in 1967 to the Sisseton and Wahpeton Mississippi Sioux Tribes. This legislation is cosponsored by Senators BAUCUS, BURNS, CONRAD, DASCHLE, and Johnson.

In 1972, Congress enacted legislation that authorized the Secretary of the Interior to distribute 75 percent of the $5.9 million judgment award to the Devils Lake Sioux Tribe of North Dakota (now known as the Spirit Lake Tribe), the Sisseton-Wahpeton Sioux Tribe of North and South Dakota, and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana. The remaining 25 percent was to be distributed to individuals who could trace their lineal ancestry to a member of the aboriginal Sisseton and Wahpeton Mississippi Sioux, the predecessor to the three modern-day tribal entities. The judgment was compensation for the 27 million acres of land taken from this aboriginal tribe in the 19th century.

Congress made the decision to allocate 25 percent of the original judgment to the lineal descendants at the urging of the Department of the Interior. The Department, in 1972, felt that historical events warranted a departure from precedent which was to make awards to tribes and not to individuals. In fact, the 1967 Indian Claims Commission judgment awarded compensation only to the successor tribes to the aboriginal Sisseton and Wahpeton Mississippi Sioux tribe, not to individual lineal descendants.

The three Sisseton and Wahpeton tribes received their respective shares of the judgment award by the mid-1970's. To date, though, the funds allocated for the lineal descendants have not been distributed. This has resulted in a situation where the accrued interest on the original principle of approximately $1.5 million has now grown to more than $15 million.

If the 1,988 lineal descendants identified to date by the Department of the Interior receive the $15 million in per capita payments, they would receive more than 18 times what the 11,829 enrolled members received in the 1970's. Moreover, since these identified lineal descendants comprise only 14 percent of the total number of tribal and nontribal member descendants, the 25 percent allocated for lineal descendants in the 1972 act would permit each lineal descendant to receive almost twice as much as did the enrolled tribal members who were compensated in the 1970's, not counting interest.

In 1987, the three Sisseton and Wahpeton tribes filed suit in federal court to challenge the constitutionality of the lineal descendancy provisions of the 1972 Act. When this legislation failed, in 1997 the tribes filed a new suit in federal court challenging these provision on constitutional grounds. This second suit is currently on appeal. In 1992, Congress enacted legislation which authorized the Attorney-General to settle these cases on any terms agreed to by the parties involved. However, the Department of Justice has refused to proceed with any settlement negotiations and has taken the position that the 1992 law did not authorize the Department to settle these cases on any terms other than those laid out in the original 1972 act. While I believe that this interpretation flies in the face of congressional intent, the Department has been unwilling to pursue the issue.

S. 391 represents a reasonable solution to this matter and a substantial compromise on the part of the tribes. In the past, the tribes have sought complete repeal of the lineal descendancy provisions of the 1972 act. In 1986, a bill was reported out by the Select Committee on Indian Affairs which would have achieved this goal. The Department of the Interior supported this bill, explaining in a letter to the then Chairman of the Select Committee: "As a general rule, we believe that each distribution of the Indian judgment funds should benefit the aggrieved historic tribe for which the award was made. If the historic tribe is no longer in existence, we believe that judgment funds should be programmed, to the greatest extent possible, to the present-day successor tribe(s) to the historic tribe."

In this Congress, the tribes supported legislation that would have retained the undistributed principal for the lineal descendants and distributed the accrued interest to the three tribes. S. 391, as originally introduced, adopted this approach. H.R. 976, an identical bill introduced in the House, passed last year.

After the House acted on this legislation, the Senate Committee on Indian Affairs held a hearing last October on H.R. 976 and another hearing last July on an S. 391 substitute. The bill before us today is the product of exhaustive negotiations between the parties involved and the subject of frequent consultations between congressional staff and representatives of the Departments of Interior and Justice that occurred in the past 12 months. Every effort has been made to consider and accommodate the concerns of these Departments while making sure that the tribes receive an additional distribution of at least 7.1 percent of the judgment award.

While I believe that this legislation is a fundamentally fair solution to a problem that has remained unsolved for 30 years and that would persist for many more years without congressional intervention, none of the parties is entirely satisfied with the legislation. The tribes accept the legislation for what it provides but continue to maintain that they have a constitutional right to all of the undistributed funds. Certain persons seeking lineal descendant status have alleged that this legislation deprives them of their property.

Because it is in the best interests of the United States and the other parties to bring an end to this problem, the bill provides that if the lineal descendants do not challenge the constitutionality of the bill's distribution to the tribes within one year following enactment, they are barred from bringing such a challenge in the future. On the other hand, if the lineal descendants do bring a timely challenge to the tribal distribution, the bill provides that the tribes have a right to intervene to challenge the constitutionality of the distribution made to lineal descendants. This provision would enable a federal court to finally and conclusively determine on the merits the respective constitutional claims of these parties and permanently put to rest what has been an endless legal dispute.

Even after these legal disputes are settled, the Department of the Interior will continue, pursuant to a federal court order, to identify new lineal descendants who did not receive adequate notice in the 1970's of their right to participate in the judgment distribution. I am concerned about the determination of eligibility to participate of any newly identified lineal descendants. The 1972 act requires that eligibility be based on an individual's ability to trace ancestry to a lineal ancestor who was a member of the Sisseton and Wahpeton Mississippi Sioux Tribe. In their litigation the tribes alleged that only 65 of the 1,988 identified lineal descendants met this requirement. The government did not contradict this allegation but argued that the issue was irrelevant because the 1972 act allows the Secretary to identify ancestors on 20th century rolls. S. 391 changes this provision of the 1972 act to require the use of rolls as contemporaneous as possible to the existence of the aboriginal Sisseton and Wahpeton Mississippi Sioux Tribe in order to assure, consistent with the 1972 act, that a specific lineal ancestor from that tribe can be identified. Finally, it bears reemphasizing that the reason for this legislation is to correct an injustice suffered by the three tribes as a result of the 1972 act. The tribes, not individuals, were wronged by the

taking of 27 million acres of treaty-protected lands owned by their aboriginal predecessor. In my view, in 1972 no amount of the judgment awarded for the taking of these lands should have been allocated to lineal descendants. Allocations to lineal descendants from Indian Claims Commission judgments long ago became a discredited policy and were generally abandoned. However, since 26 years have passed since the enactment of the 1972 act, I believe that the lineal descendants should receive a portion of the judgment. S. 391 would distribute about 30% of the undistributed funds to the tribes and about 70% to the unaffiliated lineal descendants.

This split of the undistributed funds would equalize the distribution between tribal lineal descendants and the non-tribal member class of lineal descendants. Capping the non-tribal member class at 600 persons more than the 1,988 already identified lineal descendants was the method the Committee adopted for calculating the percent of the undistributed funds to be allocated to lineal descendants regardless of the final identified number. The split is not an attempt to achieve perfect parity among all lineal descendants, both tribal members and non-tribal members. I recognize that there is some chance that the final identified number of lineal descendants may exceed 2,588. Whatever the final number may be, those lineal descendants will equally share the 70% allocation.

However, the distribution split is justified because the tribes should be the primary beneficiaries of the judgment they won after 17 years of litigation before the Indian Claims Commission. They were under compensated in the 1972 act based on their numbers and it is important that these judgment funds, to the greatest extent possible, be used to support tribal government programs and services. Moreover, the split is based on actual identified lineal descendants plus a reasonable additional number who may be identified in the future and represents a reasonable and long overdue resolution of this issue.

Finally, I want to clarify the intent of a portion of subsection (f) of section 8, a subsection added to S. 391 in the last few days. The reference in subparagraph (2)(B) of that subsection to "any such claims" includes any claim that may be brought in intervention by a covered Indian tribe.

I urge my colleagues to adopt S. 391.

Mr. COATS. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, bill as amended be considered read the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill appear at this point in the RECORD.

The committee amendment was agreed to.

The bill (S. 391), as amended, was considered read the third time, and passed.

RECOGNIZING THE 50TH ANNIVERSARY OF THE AMERICAN RED CROSS BLOOD SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 119, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 119) recognizing the 50th anniversary of the American Red Cross Blood Services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I rise today to recognize the 50th anniversary of the American Red Cross Blood Services. The Red Cross Blood Services has been saving lives since its inception during World War II. Today, in a rapidly changing health care environment, with ever increasing challenges, the Red Cross continues to serve patients throughout our country.

The Red Cross is America's first nationwide, volunteer blood collection and distribution system. During World War II, the Red Cross saved soldiers' lives by collecting and distributing blood. This led to the first National Civilian Blood Program, with the opening of the first blood center in 1948. Today, the Red Cross serves over 3,000 hospitals nationwide by supplying almost half of the nation's blood for transfusion. This life-giving service is made possible by volunteers who generously donate nearly six million units of blood each year.

In 1991, the Red Cross began a comprehensive technology and systems review, to ensure the organization entered the next century with state-of-the-art programs, systems, and facilities. This program, entitled, "Transformation," is a $287 million modernization of every aspect of blood collection, processing, and distributing. According to Red Cross President Elizabeth Dole, it is the most ambitious project that the Red Cross has ever undertaken. Transformation's goals included the creation of a new centralized management structure, a new information system, and a program of the highest quality. Without objection, I'd like to submit a copy of Mrs. Dole's remarks at the 50th Anniversary Bicentennial Celebration of the Red Cross, which includes comments on Transformation, for the record.

Transformation successfully consolidated 50 individual, non-standardized labs operated by local Blood Regions into eight state-of-the-art National Testing Laboratories that perform 70 million laboratory tests each year. These new labs serve the Red Cross as well as several non-Red Cross blood centers. As part of this Transformation, the American Red Cross has undertaken a Manufacturing and Computer Standardization initiative. This program has integrated 28 different computer systems into one national system, linking Red Cross Blood Regions across the nation to the world's largest information database for transfusion medical research.

In addition, Transformation has led to standardized manufacturing processes throughout the Red Cross system, thereby promoting a consistent standard of high quality blood services. A centrally managed blood inventory system operated by the Red Cross was designed to facilitate consistent availability of blood in every region of the country. Transformation has also created the Quality Assurance Program and a new Charles Drew Biomedical Institute which provides training and other education to personnel, using state of the art technology which does not require staff and volunteers to travel for training. Instructors can now train personnel in a wide range of fields across the country.

Through the American Red Cross Jerome H. Holland Laboratory, a premiere blood research facility, significant progress has been made in improving transfusion safety, and fostering the development of new blood products. Red Cross has shared the knowledge and expertise gained through studies conducted by Holland Laboratory scientists and physicians with the transfusion services of countries throughout the world. The Red Cross translates research into life-saving products for patients because of its tremendous investment in research and development. Let me just note that the risk of becoming infected with HIV through a blood transfusion has been reduced from one in 220,000 in 1991, to one in 676,000 today—a tremendous improvement in the safety of the blood supply.

I congratulate the 32,000 paid staff and 1.3 million volunteers on their first fifty years of providing blood services, and especially want to recognize Mrs. Elizabeth Dole and her tremendous management team for their vision in the implementation of the Transformation program.

In recognition of their accomplishments, I am introducing the following bill, with ten of my colleagues, Mr. JEFFORDS, Mr. LOTT, Ms. MIKULSKI, Mr. COATS, Ms. MURRAY, Mr. MCCONNELL, Mr. HARKIN, Ms. COLLINS, Mr. GREGG, and Mr. BINGAMAN, to commemorate the 50th anniversary of the American Red Cross Blood Services.

Mr. COATS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear in the RECORD.

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

The concurrent resolution (S. Con. Res. 119) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 119

Whereas the American Red Cross is a nonprofit humanitarian organization of 32,000 paid staff, 1,300,000 volunteers, and 4,300,000 blood donors which considers its role in the provision of blood services to be a public trust;

Whereas the American Red Cross Blood Services began by collecting and distributing blood to help save the lives of soldiers on the battlefields of World War II, and has evolved to become a leader in the healthcare industry;

Whereas following World War II the American Red Cross created the first national civilian blood program, opening its first blood center in 1948;

Whereas through the generosity of over 4,300,000 voluntary blood donors the American Red Cross is able to provide half the Nation's blood supply, and everyday, in communities throughout this country, many thousands of people receive lifesaving blood in the 3,000 hospitals served by the 38 American Red Cross Blood Regions;

Whereas in May 1991, the American Red Cross announced its ambitious "Transformation" program, a 7-year, $287,000,000 comprehensive modernization of every aspect of the American Red Cross Blood Services blood collection, testing, processing, and distribution systems;

Whereas one of the most massive undertakings of Transformation was the Manufacturing and Computer Standardization (MACS) initiative which integrated 28 different computer systems into a single, national system linking American Red Cross Blood Regions nationwide to the world's largest blood information database for transfusion medicine research, and standardized manufacturing processes;

Whereas under Transformation the more than 50 individual, nonstandardized laboratories operated by local American Red Cross Blood Regions were replaced by 8 state-of-the-art National Testing Laboratories, which effectively implement the latest medical technology to perform the testing of approximately 6,000,000 units of blood annually, serving both American Red Cross blood centers and several non-American Red Cross blood centers as well, and are located in Atlanta, Georgia; Charlotte, North Carolina; Dedham, Massachusetts; Detroit, Michigan; Philadelphia, Pennsylvania; Portland, Oregon; St. Louis, Missouri; and St. Paul, Minnesota;

Whereas the American Red Cross Blood Services has created a Quality Assurance program recognized throughout the world as a leader in assuring quality in the manufacture of blood products;

Whereas the creation of the Charles Drew Biomedical Institute has allowed the American Red Cross to provide training and other educational resources to American Red Cross Blood Services' personnel through "One Touch" which is an interactive, distance learning system that allows instructors to train personnel across the country from the institute's location at American Red Cross Biomedical Headquarters in Rosslyn, Virginia;

Whereas Transformation saw the development of a centrally managed blood inventory system to ensure the consistent availability of blood and blood components in every American Red Cross Blood Services Region throughout the country, and the creation of the new centralized organizational structure within American Red Cross Blood Services;

Whereas the American Red Cross Jerome H. Holland Laboratory in Rockville, Maryland, is the world's premiere blood research facility, consistently contributing to the progress of biomedical science, especially transfusion safety and new blood products, and shares its expertise with a number of countries around the world;

Whereas the American Red Cross manages an almost $30,000,000 investment in research and development, which includes $8,000,000 in Federal research grants, and is committed to working with others in the biotechnology field to ensure that this pioneering research is translated into lifesaving products available for patient use as quickly as possible;

Whereas the American Red Cross is investigating and implementing the newest technologies to ensure blood safety, including Genome Amplification Technology to test for the human immunodeficiency virus (HIV) and for hepatitis C virus (HCV), solvent detergent treated fresh frozen plasma, virus inactivated plasma for transfusion, use of iodine in plasma filtration, and inactivation of viruses in cellular products (such as red blood cells) through a light-activated dye called 491;

Whereas the American Red Cross is in the constant process of modernization and improvement and at the forefront of new product development, and is prepared to enter the 21st century as a cutting-edge organization providing safe, high quality blood and blood products to the hundreds of thousands of patients in need;

Whereas Congress and the American Red Cross join in celebrating the phenomenal success in the reduction of HIV infection through the use of blood and blood products as evidenced by the fact that in 1991 an American's risk of HIV transmission through a blood transfusion was 1 in 220,000 and today the risk is 1 in 676,000, nearly nonexistent; and

Whereas Congress and the American Red Cross encourage healthy Americans to donate blood by calling the American Red Cross: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins with the American Red Cross in celebration of the 50th anniversary of American Red Cross Blood Services and the impact of their efforts on modern medicine; and

(2) looks forward to the tremendous possibilities and potential for discovery and innovation as the American Red Cross Blood Services enters the next 50 years of providing the Nation with a safe blood supply.

ORDERS FOR SATURDAY, OCTOBER 10, 1998

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Saturday, October 10. I further ask that the time for the two leaders be reserved.

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

Mr. COATS. Mr. President, I further ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

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

SCHEDULE

Mr. COATS. Mr. President, for the information of all Senators, on Saturday there will be a period of morning business until 12:30 p.m. Following morning business, the Senate will await an update in relation to the omnibus appropriations bill, and may consider any legislative or executive items cleared for action.

ORDER FOR RECESS

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that, following the remarks of Senator ABRAHAM from Michigan, the Senate stand in recess under the previous order.

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

Mr. ABRAHAM. Mr. President, I ask to be recognized to speak as if in morning business.

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

TRIBUTE TO SENATOR DAN COATS

Mr. ABRAHAM. Before he leaves the floor, I would like to pay tribute, as several of our colleagues have, to our distinguished friend, the Senator from the State of Indiana, Dan COATS.

Obviously, his career in the Senate is coming nearly to the end here, but those of us who have had the chance to serve with him and who are friends of his will miss him greatly in this body.

When I came to the Senate 4 years ago, I thought about the kinds of people whose advice and counsel I wanted to have. And the first name on the list as I was planning my first trip to the Senate after the election was DAN COATS. From that point on, he has been a friend, a mentor, somebody whose judgment and advice I have respected as highly as anyone's in this Chamber.

He has served his State with great distinction, but those of us who live in Michigan have a special fondness for him because, of course, he is a native of our State. He grew up in Jackson, MI, so although he represents Indiana in the Senate, to many Michiganites and many of my constituents when I am in the southern portion of my State, they look at DAN COATS as their third Senator.

So he has not only been a great friend to Michigan as a native but also

as a Senator who has worked closely with us. I wish to say to him before he leaves the floor how much I value his friendship, how much I look forward to working with him in the future on other causes, and how much I hope that, at whatever point I bring my career in the Senate to an end, I will be thought of even half as fondly and with half as much respect as he has, because I think all of us who serve here hold him in the very highest of esteem.

Mr. COATS. I thank the Senator.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until noon tomorrow, Saturday, October 10, 1998.

Thereupon, the Senate, at 7:50 p.m, recessed until Saturday, October 10, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 9, 1998:

DEPARTMENT OF STATE

Jack J. Spitzer, of Washington, to be an Alternate Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

Frank J. Guarini, of New Jersey, to be a Representative of the United States of America to the Fifty-second Session of the General Assembly of the United Nations.

CENTRAL INTELLIGENCE

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Arthur J. Naparstek, of Ohio, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003. (Reappointment)

EXTENSIONS OF REMARKS

75TH ANNIVERSARY OF SUTTER HEALTH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MATSUI. Mr. Speaker, I rise today to recognize the 75th Anniversary of one of the nation's leading medical institutions, Sutter Health. As the Sacramento community celebrates this milestone, I ask all of my colleagues to join me in saluting the excellent work of the Sutter network of medical facilities.

Seventy-five years ago, a group of Sacramento physicians joined together to plant the seeds of what has grown into one of the region's leading medical centers, Sutter Community Hospitals. The founders' passion for their community was matched only by their commitment to providing unparalleled medial service.

From the founding of Sutter Hospital, the sophistication of medical services provided has grown with the needs of the Sacramento community. For example, in delivering more than 260,000 births since its founding, more than 8,000 annually, Sutter has become the leading Women's and Children's Services center in the Central Valley of California.

Sutter opened Sacramento's first Cancer Center in the 1940s. This facility has flourished into a national leader in critical trials for treatments of prostate, ovarian, and breast cancer. Its pediatrics hematology/oncology program is one of the busiest in the world. Much of this research is in conjunction with the Sutter Institute for Medical Research—the largest non-university medical research center in Northern California.

The Sacramento area's only heart transplantation center is housed at Sutter. In 1959, the region's first open heart transplant occurred there. Recently Sutter's Heart Institute was recognized as having the second highest survival rate in the United States.

Sutter Health's tradition of providing leading medical care continues to this day. Its use of advanced services and medical devices not only provide the Sacramento area with outstanding care, but has also established Sacramento as one of the leading centers of medical excellence in the world.

The quality of physicians, nurses, and other health professionals is superior at Sutter. For the past 75 years, its reputation for excellence has consistently attracted the highest quality medical personnel.

Northern California has also been the fortunate recipient of Sutter's outstanding community service endeavors. In the last year alone, Sutter spent more than $51 million on community services, in addition to the nearly $100,000 it gave to our community's non-profit organizations, such as the American Heart Association and the Sacramento Food Bank.

Over the years, Sutter's staff has worked to provide quality pediatric care to poor families in some of Sacramento's most neglected neighborhoods. Through its Keeping Families Safe and Healthy program, Sutter has helped to prevent child abuse and neglect, strengthen families, and improve child immunization rates.

The Sutter SeniorCare program, an innovative way to care for the frail elderly in our community, helps older people with multiple heart problems live as independently as possible. In the last year, Sutter SeniorCare assisted 238 elderly residents in Northern California.

Since its founding, Sutter Health has grown from a modest community hospital into a world-renowned medical center. This remarkable accomplishment deserves recognition throughout Sacramento and the nation's medical community. I ask all of my colleagues to join with me in acknowledging the achievements of Sutter Health and proudly recognizing its 75th Anniversary.

TRIBUTE TO CARNEY CAMPION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to recognize one of the pillars of the transportation industry. Mr. Carney Campion will retire after fourteen years of dedicated service as General Manager of the Golden Gate Bridge, Highway and Transportation District.

Mr. Campion has spent countless hours improving the infrastructure and services of the bridge as well as its surrounding area. He has shown great leadership in establishing electronic toll collection systems on all bridges. His mediation skills has kept the focus of the bridge on commuter use and not political gamesmanship. Bridge safety has been a consistent goal during his tenure as General Manager. Accomplishments in that area include structural additions for seismic activity and a crossover median barrier to eliminate auto accidents. He has also made major strides in the areas of environmental protection, disability compliance, and coordinated successful celebrations of the 50th and 60th anniversaries.

Along with his commitment to the bridge, he lobbied for the federal funding to purchase a section of the Northwest Pacific Railroad for future use by his local area of Marin, California. He has been an active member of the American Public Transit Association and the California Transit Association. Mr. Campion has also made numerous contributions to his community through his work as a 35 year member of the San Francisco Press Club and Director of the Marin YMCA and Theatre Company.

I would like to express my sincere appreciation and gratitude for his dedication and service to one of America's great landmarks and the people of the San Francisco Bay area. I wish all the best for him and his family in their future endeavors.

NUCLEAR WEAPONS AND NORTH KOREA, IRAQ, AND IRAN

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DELAY. Mr. Speaker, over the last year or so I have been appalled at this administration's foreign policy—or more accurately its lack of a foreign policy—with respect to North Korea, Iran, and Iraq. I am also joining with Congressmen SAXTON, SALMON, and others today in introducing another resolution concerning the Administration's policies regarding Israel.

Since agreeing to help find the financing and necessary technology to build two nuclear reactors for North Korea in 1994, the Clinton administration has done everything it can to give Americans the impression that its diplomatic efforts have "frozen and stopped" North Korea's efforts to develop a nuclear arsenal. However, Newsweek reported last week that when Secretary of State Albright testified to that effect before a classified Congressional briefing 2 month ago she was quickly refuted by the Defense Intelligence Agency. The DIA testified that it had concluded months earlier that the North Korean program to develop nuclear weapons was and is still under way.

Subsequent intelligence and press reports continue to bear out the fact that the administration's policy of appeasement has not dissuaded the North Korean drive to develop nuclear weapons and the means to deliver them. For instance, the North Korean's have an ongoing effort to bury their nuclear weapons program underground. Their launch on August 31, 1998, of a three-stage ballistic missile—parts of which landed off the coast of Alaska—make such a conclusion undeniable. The Central Intelligence Agency's senior intelligence officer for strategic programs was recently quoted by Washington Post as saying that the three stage configuration of that missile could well give North Korea the ability to send warheads across the Pacific.

To counter the misimpression that has often been given the American people on this issue, I am introducing a resolution that calls for the suspension of the $4–6 billion agreement to build two light-water nuclear reactors and to provide other assistance to North Korea until the President certifies that the North Korean government has agreed to cease its efforts to build nuclear weapons and the means to deliver them.

Mr. Speaker, the administration has also been pursuing a failed and misleading foreign

policy with regard to Iraq. Earlier this year, President Clinton warned that if Iraq were to break the weapons inspection agreement signed with U.N. Chief Kofi Annan and the international community failed to act, then Saddam Hussein "will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he'll use the arsenal." United States Secretary of State Madeleine Albright also stated at the time that if Hussein "reneges on this deal, there will be no question that force is the only way to go."

Of course, the American public now knows the truth. Scott Ritter, a UNSCOM inspector team leader in Iraq, recently resigned from his post because of what he termed "interference and manipulation usually coming from the highest levels of the [Clinton] administration's national security team," including Secretary of State Madeleine Albright. That interference undermined UNSCOM's ability to inspect potential weapon sites in Iraq even as the administration was telling the world that it supported the U.N. inspectors' right to unfettered and unannounced access to Saddam Hussein's suspected weapons programs.

During his recent testimony before Congress, Mr. Ritter stated that such public statements of support in conjunction with the secret interference from the United States and the United Kingdom gives the appearance that UNSCOM is conducting unhindered weapons inspection checks when in fact such inspections are not occurring. Mr. Ritter's warning to Congress that it would take Iraqi leader Saddam Hussein only 6 months to reconstitute his chemical weapons capability and the ballistic missiles to deliver them—and his subsequent statement to the Washington Institute for Near East Policy that Iraq has three "technologically complete" nuclear bombs that only lack the missile material to make them operational—is sobering to most Americans. The administration's reaction to these brave revelations has been to attack Mr. Ritter's credibility, reputation, and professionalism.

The administration instead should be acting to bring Saddam Hussein into compliance with the numerous agreements he has made as a result of the Persian Gulf war. To that end, I am introducing a resolution that calls on the President to take the necessary steps to bring Iraq into compliance with the international agreements it has signed with respect to its weapons program, including the United Nation's right to unfettered and unannounced inspections of suspected weapons sites or facilities. The resolution also states that official U.S. policy should insist on the removal or destruction of Saddam Hussein's chemical, biological, or nuclear weapons capability. Most importantly, for the sake of the United States foreign policy credibility, the resolution calls on the President not to renege on the warnings he issued this past spring that the United States is committed to using military force if necessary to punish Iraq for interfering with or obstructing the U.N.'s weapons inspections.

Finally, Mr. Speaker, in the face of intelligence estimates earlier this year that Iran will have a missile capable of targeting Israel within a year and Central Europe within 3 years, President Clinton vetoed the Iran Missile Sanctions Act. The President's continued refusal to use existing law to its full extent to impose sanctions against countries and organizations that help Iran develop and modernize its ballistic missile program is yet another failure on the part of this Administration. While failing to obstruct the on-going ballistic missile and nuclear weapons programs in Iran, North Korea, Iraq and other nations, this administration has not been bashful in obstructing the efforts of many of us in Congress to build a defense for the United States against ballistic missile attacks by our potential enemies.

The third resolution I am introducing calls on the President to impose sanctions against countries and organizations that assist Iran in obtaining advanced missile technology to the fullest extent permitted under existing law. The resolution also calls on the President to expedite the development of U.S. anti-missile defense systems and to assist Israel in responding to the new long-range ballistic missile threat from Iran in order to protect all of Israel's territory.

Mr. Speaker, this administration's continued failure in foreign policy arenas affecting the national security of the United States must cease before our Nation's credibility and determination to defend our interests is irreparably compromised. It is foolhardy to issue threats and then fail to carry through on them as this administration has done time and time again. While it may play well in the short term, it has real world consequences as our potential enemies gradually lose respect for our resolve and our might. I urge my colleagues to support the resolutions which I intend to reintroduce in the next Congress as well.

IN HONOR OF SAINT VINCENT DE PAUL PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to Saint Vincent de Paul Parish of Cleveland, Ohio. For 75 years, this parish has served as a spiritual refuge, opening its doors to any soul in search of peace.

Saint Vincent de Paul originated in 1922 when a group of people living on the outskirts of Cleveland petitioned Bishop Schrembs to recognize and act on their need to have a parish. Under the leadership of Father Michael Flanigan, the parish community grew rapidly causing a need to build a church. By 1924, the basic outlines of Saint Vincent de Paul included a church for worship, as well as a school which educated 340 children.

The Great Depression greatly affected the parish by halting its rapid expansion, but also leading many of its young men and women to enter the Lord's service. When the depression ended, the membership continued to grow, resulting in overcrowding of the school. To allow for this rapid growth, the Bishop decided to build several parishes to fill the need of Catholics to worship, making Saint Vincent de Paul the mother parish of all the others. Throughout the 1970s and 1980s, the parish experienced many changes, including several ordinations to the priesthood, renovations to the church, and a number of staffing changes that demonstrated an impressive level of dedication and commitment.

My fellow colleagues, please join me in celebrating the 75th anniversary of Saint Vincent de Paul. The parish has a strong sense of community and a proud heritage to guide it into the future.

IN HONOR OF DR. ROBERT BRYANT AND WESTMONT COLLEGE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues a remarkable citizen, and an exceptional college in Santa Barbara, California: Dr. Robert Bryant and Westmont College.

Dr. Robert Bryant, owner of Bryant & Sons Ltd., has been a leader in the Santa Barbara business community for over 35 years. He has served on the boards of the Boy Scouts of America, YMCA, Santa Barbara Rugby Association, Santa Barbara Zoo, Lobero Foundation, the Symphony, and the Sheriff's Council. He is an active supporter of both Santa Barbara City College and Westmont College, serving in numerous capacities for both institutions over the years. His involvement in the Fighting Back Task Force and his Chairmanship of the Amethyst Ball for the last 3 years has helped the Council on Alcoholism & Drug Abuse raise hundreds of thousands of dollars, and the community fight alcohol and drug abuse on many levels.

Westmont College—through the involvement of its President, Dr. David K. Winter and Executive Vice President, Dr. Edward Birch as volunteers for Santa Barbara County's United Way—has invested significant hours in our community. Dr. Winter served as Campaign Chair of the Santa Barbara County's United Way campaign in 1988–89. Under his leadership, Westmont College has run a successful campaign annually for over a decade. He has served as Director of the Montecito Association, Montecito Rotary Club, the Channel City Club, and the Chamber of Commerce. He Chaired the board of the Salvation Army Hospitality House and the Santa Barbara Industry Education Council. Ed Birch serves on the board of the Santa Barbara County's United Way. Throughout the summer months, the Westmont campus also offers summer day camps for children in our community.

The students of Westmont College are also involved, volunteering at many organizations throughout the community: Transition House, the YMCA, Cottage Hospital, Westside Community Clinic, and many others.

Mr. Speaker, I congratulate Dr. Robert Bryant and Westmont College for their lifetime achievements being celebrated on October 16, 1998 by Santa Barbara County's United Way.

CONFERENCE REPORT ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. OXLEY. Mr. Speaker, I rise today in support of the conference report. Specifically, I would like to address Section 604 which gives law enforcement officials multipoint wiretap authority.

As a former special agent of the FBI, I know from personal experience that the court-authorized interception of communications is one of our most effective tools in our battle against crime. Existing law requires law enforcement officials seeking a court order for a wiretap to specify the telephone to be intercepted. Unfortunately, the modern day criminal too often is aware of this limitation and uses different phones in different locations to carry out his illicit activity. By simply walking down the street to a local pay telephone, an individual suspected of criminal activity can thwart the reasonable investigative efforts of the law enforcement community.

To solve this growing problem, the multipoint wiretap provision of the Intelligence Authorization Act allows law enforcement officials to obtain court authorization to tap the phones that a person under suspicion actually uses. Thus, if a suspected drug trafficker uses a stolen cellular telephone rather than the phone in his/her residence, the law enforcement community would still be able to gather evidence of wrong-doing. To ensure that these new court-ordered authorizations do not infringe upon the privacy rights of law-abiding Americans, the Conference Report includes a provision that prohibits the activation of a tap unless it is reasonable to presume that the person under suspicion is about to use or is using a given telephone. This is a dramatic step forward for privacy rights because, under current law, once a tap is authorized it is active for the duration of the court order. Innocent Americans could have their conversations monitored if they use a phone also used by a criminal suspect. Under this new provision, the tap would only be operational when a suspect is involved in a conversation.

Mr. Speaker, in closing, I would like to commend the leadership of Chairman PORTER GOSS and ranking member NORM DICKS for their efforts on this provision. I would also like to commend Congressman BILL MCCOLLUM for his tireless efforts on this issue as well. I believe that a balance has been reached that gives the law enforcement community more effective tools to protect American citizens while also further protecting the privacy rights of our constituents. I urge the adoption of the Conference Report.

AVIATION CONSUMER RIGHT TO KNOW ACT

HON. PETER A. DEFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DEFAZIO. Mr. Speaker, I rise today to introduce the "Aviation Consumer Right To Know Act," legislation to give consumers access to important airline industry information.

Twenty years after the deregulation of the airline industry a debate is raging about its benefits to consumers. Deregulation proponents tout the benefits of free market competition. However, to truly enjoy any of these benefits, consumers must have access to accurate information so they can make fully informed choices.

Although there is much debate about the impact of deregulation, it is quite clear that it is almost impossible for consumers to gain full access to information about the airline industry. The dizzying array of airline prices change constantly and inexplicably. The full selection of fares remains a mystery to consumers. Even travel agents do not have access to all available fares.

Many passengers are further bewildered when they book travel on one airline only to find upon boarding that they are actually flying on a totally different airline. Domestic code-sharing agreements, primarily between larger airlines and small regional airlines, allow one airline to book tickets on another without disclosing this information to consumers.

To make booking travel easier, many consumers turn to travel agents for help. However, what most consumers do not know is that travel agents often get special incentives to book the majority of air travel sold through their agency on a particular airline. Travel agents are not currently required to disclose this information to customers. Travel agents provide an important service to the flying public by deciphering the baffling airline fare structure but consumers should also be aware that this information is not always unbiased.

Another area of frustration to consumers is the lack of accurate, consistent and realistic information about frequent flyer programs. Despite the popularity of frequent flyer programs, consumers find that when they actually choose to redeem awards, the destinations and times they want are not available. Many travelers choose an airline because of its frequent flyer program and it is important to fully disclose this type of information.

My bill would give consumers the information they need to make informed choices about what airlines to patronize. The Aviation Consumer Right To Know Act will, (1) require airlines and travel agents to disclose the actual air service carrier if it differs from the carrier issuing the ticket, (2) require travel agents to disclose any special incentives they get for booking travel on a particular airline, (3) require airlines to disclose all available fares, (4) require airlines to keep records on the likelihood of redeeming frequent flyer benefits for specific city-pairs.

I urge my colleagues to join me in sponsoring this legislation.

FEDERAL ACTIVITIES INVENTORY REFORM ACT OF 1998

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. SESSIONS. Mr. Speaker, I am pleased that the House is poised to pass S. 314, the Federal Activities Inventory Reform (FAIR) Act. This legislation is a consensus compromise bill. It is an important step in the process of ensuring that the component agencies of the Federal Government deliver performance to the taxpayers they serve. This legislation, combined with the Government Performance and Results Act, the Chief Financial Officer Act and other procurement and financial management reforms, will result in an improved Federal Government.

In the 1920s, Congress raised concern over the large numbers of additional Federal functions initiated during the First World War and never discontinued. These concerns resulted in hearings. Later, in the 1950s, the House of Representatives passed legislation to terminate commercial activities of the Federal Government. In response to this legislation the Bureau of the Budget, and later, the Office of Management and Budget, issued guidance for executive branch agencies on the issue of agencies performing commercial activities. This guidance is currently represented by OMB Circular A–76.

This policy has been erratically followed since its promulgation. Agencies routinely ignore the stated policy of the President. Among the greatest problems which we face with the ineffective Administrative policy regarding the performance of agency commercial activities are the following:

(1) Agencies do not develop accurate inventories of such activities,

(2) They do not conduct the reviews outlined in the Circular,

(3) When reviews are conducted they drag out over extended periods of time,

(4) Agencies initiate commercial activities without reference to the policy, and

(5) The criteria for the reviews are not fair and equitable.

For example, certain practices are tolerated which bias cost-comparison competitions in favor of the Federal Government. A description of the cost-comparison competition process illustrates this costly unfairness. First, when an action is to be taken, the agency develops a "most efficient organization," designed to represent the best form to accomplish the purpose of the commercial activity. This MEO allows for agency commercial activities to reorganize prior to the competition. Agencies promise to shed staff and reorganize for efficiency. Sometimes, agencies do not make the changes promised under the MEO. And in no case are the post-competition promises of agency commercial activities verified or audited.

Once the MEO is established, two competitions are held. In the first competition, a commercial source is selected using performance-based criteria. The offeror representing the best value source is chosen. The winning offeror is often not the low-price offeror, since a

higher-quality source can offer better value for the money. Then the best value commercial source is compared to the agency commercial activity on the basis of cost, regardless of performance or quality. The commercial source must then beat cost of the agency commercial activity, and do so by at least 10 percent.

In enacting S. 314, the Federal Activities Inventory Reform, it is the intent of Congress that the Director of the Office of Management and Budget take prompt action, through the budget process and regulations promulgated pursuant to this legislation, to ensure that:

1. Agency commercial activities establish and use cost accounting systems, as required under the Federal Accounting Standards Board (FASAB) and applicable law.

2. Agency commercial activities are not given an advantage in terms of avoiding any evaluation on performance.

3. Agency commercial activities are not given any preference merely because they are government agencies or the incumbent provider of goods or services. Agency commercial activities ought to be treated identically in this regard to commercial sources.

4. Agency commercial activities are evaluated after any award, and penalties for default are established. Such penalties should include re-competition or termination of the activity.

5. Agency commercial activities be evaluated upon their performance during the cost-comparison competition process. If the offer of any commercial source is lower than the agency commercial activity, the in-house agency commercial activity should not be selected, even if another commercial source is the best value offeror, unless the agency commercial activity is the best value source.

6. Agency commercial activities are regularly subjected to competition to ensure that the taxpayer is getting the best value.

During the course of our hearings on this legislation, it became abundantly clear that there are certain activities that the Federal government has performed in-house which can and should be converted to the private sector. Areas such as architecture, engineering, auctions, surveying and mapping, laboratory testing, information technology, and laundry services have no place in government. These activities should be converted to performance by the private sector.

There are other activities in which a public-private competition should be conducted to determine which provider can deliver the best value to the taxpayer. Examples include base and facility operation and campgrounds.

Section 2(d) of the legislation requires the head of an agency to review the activities on its list of commercial activities "within a reasonable time." Unfortunately, OMB opposed a legislative timetable for conducting these reviews. As a result of the compromise language on this matter, it will be incumbent on OMB to make certain these reviews are indeed conducted in a reasonable time frame. It is the intent of Congress in enacting this legislation that at the Department of Defense, agency commercial activities will be reviewed and competed within seven years. For the civilian agencies, it is the intent of Congress that such activities be reviewed before five years. I urge OMB to exercise strong oversight to assure timely implementation of this requirement by the agencies.

This provision also requires that agencies use a "competitive process" to select the course of goods or services. This term has the same meaning as "competitive procedure" as defined in Federal law (10 U.S.C. 2302(2) and 41 U.S.C. 259(b)). To the extent that a government agency competes for work under this section of the bill, the government agency will be treated as any other contractor or offeror in order to assure that the competition is conducted on a level playing field.

Another key decision which must be made is the determination of what is inherently governmental. The legislation continues current policy, embodied in OFPP Policy Letter 92–1. There will be certain agency commercial activities that may have components which are both inherently governmental and commercial in nature. Such activities should be segmented, so that the commercial activity can be studied for competition.

For example, one important agency function deals with the disposal of surplus government property. The Committee on Government Reform and Oversight is intimately familiar with such actions, due to its jurisdiction over the Federal Property and Administrative Services Act.

While an agency's decision of whether or not to dispose of excess, surplus and seized property is inherently governmental, the process of actually disposing of excess, surplus and seized property is not an inherently governmental function and, therefore, this activity should be listed on the commercial inventory under this legislation. There will be situations where disposal of property is an inherently governmental function, such as the disposal of certain surplus naval vessels and other weapons and weapon systems. But generally, such functions are commercial in nature, since the property disposal process generally is not so intimately connected with the public interest as to require performance by Federal employees. Therefore, Congress intends that property disposal would normally be conducted by contracting with commercial sources. The utilization of experienced, bonded commercial property disposal firms will assist the government to meet that goal, using the same structures and incentives as the private sector in disposing of excess, surplus and seized property. These practices are designed to maximize the commercial value of this property, while government practices and incentives are primarily designed to dispose of inventory as quickly as possible rather than maximizing the return on the dollar. That is the goal of this legislation.

Mr. Speaker, it is high time to pass this legislation. It is long overdue. So do all of your constituents a favor and vote for S. 314.

Executive Office of the President—Office of Management and Budget, Oct. 2, 1998

STATEMENT OF ADMINISTRATION POLICY

S. 314—FEDERAL ACTIVITIES INVENTORY REFORM ACT

(Thomas (R) WY and 16 cosponsors)

The Administration has no objection to S. 314, the "Federal Activities Inventory Reform Act of 1998 (FAIR)." The Act would reinforce efforts to improve the identification and review of non-inherently governmental activities. The bill permits the agencies to assess which functions should be submitted to competition with the private sector and allows the Government to choose the source—public or private—which is the most cost effective and in the best interests of the taxpayer. This bill is consistent with Administration efforts to reform Federal procurement and ensure that taxpayers receive the best value.

The Administration's policy is to promote competition to achieve the best deal for the taxpayer. Competition is an integral part of the Administration's overall reinvention and management improvement effort. The inventories of commercial activities required by the FAIR Act will help senior agency managers and OMB to identify opportunities not only for competition, but also other reinvention opportunities, including: re-engineering, organizational restructuring, termination decisions, and the possibility of applying new technologies, such as electronic commerce.

HONORING SENATOR JOHN GLENN

HON. ROBERT W. NEY
OF OHIO

HON. STEVE C. LaTOURETTE
OF OHIO

HON. JOHN A. BOEHNER
OF OHIO

HON. SHERROD BROWN
OF OHIO

HON. STEVE CHABOT
OF OHIO

HON. PAUL E. GILLMOR
OF OHIO

HON. TONY P. HALL
OF OHIO

HON. DAVID L. HOBSON
OF OHIO

HON. MARCY KAPTUR
OF OHIO

HON. JOHN R. KASICH
OF OHIO

HON. DENNIS J. KUCINICH
OF OHIO

HON. MICHAEL G. OXLEY
OF OHIO

HON. ROB PORTMAN
OF OHIO

HON. DEBORAH PRYCE
OF OHIO

HON. RALPH REGULA
OF OHIO

HON. THOMAS C. SAWYER
OF OHIO

HON. LOUIS STOKES
OF OHIO

HON. TED STRICKLAND
OF OHIO

HON. JAMES A. TRAFICANT, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. NEY. Mr. Speaker, my colleagues and I rise today to pay tribute to an American and

Ohio hero. More than 35 years ago, JOHN GLENN made history as the first American to orbit the earth. On October 29, he will once again make history as the oldest man to travel into space. On behalf of the people of Ohio and the country, along with the rest of the members of the Ohio delegation, I would like to thank Senator GLENN for his dedicated service to our country and wish him the best of luck on his upcoming mission.

JOHN HERSCHEL GLENN, Jr., is a true American hero. He has served his country honorably in the Marine Corps, in the U.S. Space Program and as a member of the United States Senate. On February 20, 1962, he became a national figure after becoming the first American to orbit the earth. Senator GLENN, a native of Ohio, has represented the working families of Ohio as their Senator since 1974. His upcoming shuttle mission and retirement at the end of this Congress will punctuate the end of a remarkable stretch of public service that will leave an indelible mark on our society.

October 29, 1998, marks a triumphant day for our nation when Senator GLENN returns to space aboard the Space Shuttle Discovery. Nearly 37 years after his initial trip into space, he will again represent his country and our state as a member of Discovery Mission STS–95. As he prepares for his upcoming mission, the Members of the Ohio delegation wish salute to the Senator from Ohio. As he prepares for the upcoming mission, we salute the Senator and native of New Concord, Ohio. Godspeed, JOHN GLENN.

IN HONOR OF MICHAEL MARCELLINO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Michael Marcellino. Michael Marcellino served as a United States Army combat correspondent in the Vietnam War from 1967 to 1968. After his honorable discharge from the service, he worked for 13 years as a newspaper reporter in Northeast Ohio with the Painesville Telegraph and the Sun Newspapers.

While at Sun Newspapers, Marcellino received two national awards for excellence in reporting—the Suburban Newspapers of America Award for Investigative Journalism and the national Newspaper Association's Community Service Award. His reporting included Veterans' affairs, government and politics.

From 1983–1987, Marcellino served on the Cleveland staff of Congressman Louis Stokes. As Community Relations Specialist, his work included advocacy for community, veterans and human rights issues. He was appointed Press Secretary to Mayor-elect Michael R. White in 1989. During nearly nine years with the White Administration, Marcellino also served as Liaison for Veterans and Military Affairs to Mayor White and Manager of Marketing for the City of Cleveland's Department of Public Utilities.

Marcellino is presently a writer and public relations consultant. He is a founding board member of the Greater Cleveland Veterans Business Resource Council and a member of the Veterans of Foreign Wars and the American Legion.

He attended Cleveland and Parma Public Schools and Wake Forest University. Marcellino and his wife, Laurie, a restaurant owner, have three children, Sean, Rachael, and Ari.

FISHERIES STOCK ENHANCEMENT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MILLER of Florida. Mr. Speaker, as a leader in the field of fisheries stock enhancement, Mote Marine Laboratories was highlighted recently in an article from Fly Fishing in Saltwater magazine. Mote Marine is located in Sarasota, Florida which is in the 13th District of Florida and provides innumerable benefits to our environment and my constituents. I am pleased therefore to enter this article recognizing Mote Marine's importance into the CONGRESSIONAL RECORD.

[From Fly Fishing in Saltwater, Sept./Oct. 1998]

SNOOK FOR THE MASSES—MARINE FISHERIES STOCK ENHANCEMENT MAY BE IN OUR FUTURE

(By Don Phillips)

On January 10, 1998, Steve Serfling and Todd Hershfield went fishing for snook in Sarasota Bay, Florida. In two hours they caught and released four snook on the fly.

That was no surprise because they were fishing an area where the Mote Marine Laboratory had earlier released small snook as part of an experimental stock-enhancement program. Serfling is director of Mote's aquaculture program and Hershfield works in the laboratory and their January trip was one of four the two had made to find out how the stocked snook were integrating with the natural population. Nice work if you can get it!

As of February this year, the Mote Laboratory had stocked 12,000 juvenile snook in eight different areas of Sarasota Bay, the Braden River, and several areas of Tampa Bay. The results have been most encouraging. Of 18 snook caught during Todd and Hershfield's four trips, half were from Mote's Aquaculture facility (their origin was readily determined by a miniature red marker implanted in the snook shortly before their release).

The laboratory and its partner, Florida's Department of Environmental Protection, are delighted. The stocked fish seem to have integrated well into the natural population and their growth, appearance, health, and behavior mirrors that of their wild cousins.

Actually, that shouldn't be too surprising; the stocked snook were raised from eggs and milt removed from wild snook netted from and released back into the same areas.

When I heard about the stocking program I made arrangements to visit Mote's acquaculture facility on City Island in Sarasota to find out more. Previous experience with freshwater and anadromous fish stocking programs had not left me exactly impressed with this method of fisheries enhancement. "Put-and-take" fishing mentality, genetic deterioration, diseases, and pollution are just some of the problems associated with hatchery programs. So it was with a fair amount of skepticism that I planned my visit.

But after touring the facility with Serfling I was impressed with the technical sophistication of Mote's approach. The lab has paid close attention to every detail of the snook's early life in an effort to duplicate its natural environment.

"We start with wild eggs and milt," Serfling said. "The fertilized eggs hatch into larvae that develop over a two-day period on their own yoke sacs. During these two days they develop eyes, mouths, and a digestive system, so they can feed. Then the larvae are fed microalgae and zooplankton cultured in our own hatchery, duplicating their natural food at this stage in their life.

"Pellet feeding begins after about four weeks, at the point when the fingerlings require larger food sizes Cannibalism is a major problem with carnivorous fish like snook, because they instinctively prefer to each fish from day 20 onward. But they cannot be size-graded and separated to reduce cannibalism until around day 40, because the larvae and fry stages are too delicate to handle.

"A few days before stocking the snook are also fed live minnows, to reinforce their natural instinct to chase and cat swimming prey. Their immediate predatory behavior suggests that this instinct is alive and well."

The heart of the aquaculture facility is a closed-cycle water system that controls water salinity, temperature, pH, oxygen content, and turbidity. Waste products are treated and recycled. Only a very small amount of fresh water or filtered seawater is added weekly to replenish losses and adjust salinity.

This closed-cycle approach insulates the system from undesirable environmental phenomena such as red tide or periods of exceedingly cold temperature, significantly increasing survival of the young snook.

The aquaculture facility also uses cylindrically shaped tanks to minimize collision trauma among the fish. When the fish are large enough, size grading is done periodically to minimize cannibalism.

"We have now progressed to the point where 10 percent of our larvae survive to the 5- or 6-inch size range in six months," Serfling said, "This is quite impressive when compared with an equivalent 0.0005 percent rate for wild fish under favorable environmental conditions." The survival percentage is expected to increase even more as the laboratory learns more about young snook.

Mote also is raising Gulf and short-nosed sturgeon and has plans to include pompano, flounder and snapper in its program. Funding is through the William R. Mote Scientific Foundation.

After touring the facility I met with Dr. Ken Leber, Mote's senior scientist and director of fisheries and aquaculture research, and Dr. John Miller, professor of fisheries and oceanography at North Carolina State University who is a visiting scientist at the Mote Laboratory. Both were enthusiastic about the stocking program, but both also were candid about the hurdles still to be overcome.

Leber said the laboratory is prepared to continue the program up to and including full-scale hatchery releases, if appropriate federal and state support is obtained. But he added that a lot of research is still needed to understand the many variables of stock enhancement and to determine its economic viability as a fishery management tool.

"What, when, and where to stock are questions needing definitive answers," he said. For example, economic considerations might suggest stocking lots of fingerlings, but high initial predation rates could make this approach penny-wise and pound-foolish.

Similarly, stocking excessive numbers of fish could upset the balance of local ecosystems by adding too many predators or displacing wild stocks.

Determining the best season for stocking also is important so new residents have the best chance for acclimatization and survival.

Yet another consideration is finding the best places for stocking. Those places must provide immediate sanctuary and food. Thermal refuges may be particularly important to minimize mortality due to high or low water temperatures.

Leber and his staff are studying these questions by assessing current populations, performing stocking experiments, then evaluating the new populations.

Similar efforts are going on elsewhere around the world, with researchers sharing the results. Recently, Mote joined forces with research activities in Hawaii, Mississippi, and Florida (the Florida Marine Fisheries Research Institute) to address stock enhancement on a large scale. This multi-million dollar effort, sponsored by the federal government, is likely to draw in other research activities, especially from the Gulf States.

"Since the 1950s, the focus of marine fisheries management has concentrated on maintaining and restoring habitat and controlling harvest through regulation," Leber said. "Stock enhancement has thus far largely been ignored as a management tool for marine fisheries. We are now not too far from being able to supplement these two strategies (habitat maintenance and restoration) with selective stock enhancement, where such (measures) can be supported by the local ecosystem.

"The old approach of stocking without careful assessment of impact cannot be tolerated today, especially in areas like Florida, where population growth is significant and fishing pressure is ever increasing.

"I like to think of our direction today is toward more responsible marine fisheries management, where the focus is being shifted to maintain the health of our fish populations and their habitat and environment, rather than only raising and stocking the maximum number of fish per taxpayer dollar."

I left the Mote Marine Laboratory with kind of a warm feeling inside. It's nice to know there are programs and people trying to steer us in the right direction.

The Mote Marine Laboratory is an independent, nonprofit research organization dedicated to the marine and environmental science. Located on an 11-acre site on City Island in Sarasota, Florida, the laboratory has extensive research and administrative facilities plus the Mote Aquarium, which attracts about 250,000 visitors a year.

The laboratory is staffed by 50 scientists with master's or doctorate degrees, plus support personnel and more than 1,000 volunteers. Its $3.5 million research program is supported by grants, contracts, aquarium income, and donations. Founder William R. Mote has thus far donated all funding for the laboratory's aquaculture program.

The laboratory's other research and education activities include threatened species (sharks, sea turtles, manatees, etc.); fish vision; red tide; commercial fishing bycatch; improvement of recreational fishing; mackerel migrations; the impact of thermal power plants on sea grasses; river, estuary and wetland management; and the environmental impacts of chemicals, pesticides, and other forms of pollution.

For more information on the laboratory and its programs, contact Virginia Haley, 1600 Ken Thompson Parkway, Sarasota FL 34236, telephone (941) 388-1441, fax (941) 388-4312, or e-mail katura@mote.org.

EXTENSION OF REMARKS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, even nations need a soul. Indeed great countries establish traditions, institutions, and civil codes to reflect the integrity of their people. Taken together, these attributes give insight to a nation's character, and as such, signal the dignity of her people.

The United States Navy is but one American institution charged with defending our borders and maintaining our dignity. Among the Navy's first officers is Joseph E. Schmitz who has devoted considerable thought to the heavy matters we weigh today in Congress.

I hereby submit for the RECORD, Mr. Schmitz's scholarly analysis of current conditions created by the Commander-in-Chief. I furthermore commend the conclusions of Mr. Schmitz to my colleagues and beg they prove persuasive in resolving the great question before us.

WHEN THE COMMANDER-IN-CHIEF MISLEADS, WHO FOLLOWS?

OR WHAT DO WE TELL THE TROOPS NOW, COMMANDER?

(By Joseph E. Schmitz[1])

How can a commanding officer of a warship ask an 18-year-old sailor to risk his life in the line of duty if the commander is not willing to risk his own personal ambitions for honor? He can't. A military leader must be the example, first and foremost. Congress should not lose sight of this reality of military leadership as it deliberates over the recent report of the Independent Counsel.

While the Constitution empowers Congress "To make Rules for the Government and Regulation of the land and naval Forces," each commander is responsible for enforcing these rules within his or her own command. At the same time, the President as Commander-in-Chief is ultimately responsible for enforcing these rules throughout—as well as for the overall good order and discipline of —the United States Armed Forces.

Technical legal arguments that the Uniform Code of Military Justice may not apply to the Commander-in-Chief miss the point. At issue are some of the first principles upon which our colonial forefathers pledged their "sacred honor," among which is Equal Justice Under Law, requiring that even the President be accountable to the Rule of Law (as opposed to the rule of men). By definition, the Rule of Law cannot be influenced by public opinion, whether through public opinion polls or otherwise.

By virtue of an Act of Congress in 1956, recodifying the First Article of the 1775 "Rules for the Regulation of the Navy of the United Colonies of North-America" into what is still public—albeit not-well-publicized—law, "All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; . . . to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them."[2] This longstanding moral edict by Congress exemplifies the central theme of the "Legislation of Morality" seminar this author conducts at Georgetown University Law Center: democratically-enacted legislation is the societal analog to an individual's conscience formation process. At the national level, Congress promulgates the national conscience through public laws, essentially announcing what is right and what is wrong for the nation. As with the relationship between individual conscience and behavior, this societal conscience formation process is distinct from, albeit integrally related to, the enforcement process.

In his August 17, 1998, nationally-televised speech, the President purported to accept full responsibility for misleading the nation about his "inappropriate" relationship with a White House intern. This confession by the Commander-in-Chief to both dishonorable and immoral conduct in the Oval Office, and the subsequent release of the Independent Counsel's Report and video tape, among other things, have amplified the need for all military leaders to uphold the moral authority of the First Article of the 1775 Navy Regulations, sometimes referred to as the "First Principle of the American Military."

In the "Code of Conduct for Members of the United States Armed Force," like all other members of the Armed Forces, I was admonished to "never forget that I am an American, fighting for freedom, responsible for any actions, and dedicated to the principles which made my country free." Every first-year law student learns that two of those principles are accountability "according to law" and "no man is above the law." According to the text of the Constitution, even an impeached President, after he is convicted by the Senate and removed from office for "treason, bribery, or other high crimes and misdemeanors" (U.S. Const., art. II, sec. 4), "shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." U.S. Const., art I, sec. 3.

A few years ago, as the Naval Academy was attempting to deal with the worst cheating scandal in its 150-year history, a committee hearing on Capitol Hill featured a telling colloquy between Senator Robert C. Byrd

[1] Mr. Schmitz graduated with distinction from the U.S. Naval Academy and earned his Doctor of Jurisprudence from Stanford Law School. He is currently an attorney in Washington D.C. and an Adjunct Professor of Law at Georgetown University Law Center, where he teaches an advanced constitutional law seminar on "Legislation of Morality: Constitutional and Practical Considerations" (the syllabus for which is available by request to jschmitz@pattonboggs.com).

[2] 10 U.S.C. §5947. The 1775 version reads: "ART. 1. The Commanders of all ships and vessels belonging to the THIRTEEN UNITED COLONIES, are strictly required to shew in themselves a good example of honor and virtue to their officers and men, and to be vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral and disorderly practices; and also, such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same according to the usage of the sea" (www.history.navy.mil).

and Rear Admiral Thomas Lynch, then Superintendent of the Naval Academy. At the beginning of the colloquy, Senator Byrd asked Admiral Lynch whether he was familiar with the adage, "You rate what you skate." Of course the Admiral was. But neither the Senator nor the Admiral discussed the adage further.

This Naval Academy adage is tantamount to a rule that "while officers are responsible for personal choices, they need not be accountable for poor choices unless caught." Such a mixed moral message fundamentally undermines the formation of character traits such as honesty, reliability, moral courage, and good judgment, upon which rest not only the tax dollars of hard-working Americans, but the lives of many Americans as well.

A crisis of military discipline looms if any commander, by this words and actions, promotes and adage that "you rate what you get away with, and even if you're caught, it's OK to evade accountability if you can get away with that"; a constitutional crisis looms if our legal system does not hold all officers with full responsibility to a standard of full accountability. Responsibility without accountability "according to law" undermines the core foundation of the Constitution, the aforementioned basic principle known as the Rule of Law, without which our Constitution is no more than a piece of paper.

The Armed Forces now have a more fundamental challenge to leadership training than simply instilling character traits adverse to lying, cheating, and stealing: How do we instill in young leaders the moral courage to admit when they are wrong and to accept accountability for mistakes made? Personal example by senior leaders, up to and including the Commander-in-Chief, is an essential starting point—and risk to personal ambitions is no excuse for any officer of the United States Armed Forces.

After the Commander-in-Chief holds himself accountable to the Rule of Law, or is otherwise held accountable to the Rule of Law, "We the People"—even those of us who serve "at the pleasure of the President"—should follow his lead and talk about forgiveness. In the meantime, other commanders might do well by following the lead of, and by telling their troops to follow the lead of, Archbishop John Carroll, whose "A Prayer for the Republic" seems as timely now as when penned by the founder of Georgetown University 200 years ago: "We Pray Thee, O God . . . assist with Thy holy spirit of counsel and fortitude the President of the United States, that his administration may be conducted in righteousness, and be eminently useful to Thy people over whom he presides; by encouraging the due respect for virtue and religion; by a faithful execution of the laws in justice and mercy; and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of Congress, ..."

DALLAS LIVER TRANSPLANT PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I submit the attached materials to be included in the CONGRESSIONAL RECORD:

DALLAS LIVER TRANSPLANT PROGRAM, BAYLOR UNIVERSITY MEDICAL CENTER, CHILDREN'S MEDICAL CENTER OF DALLAS, DALLAS, TX,
September 22, 1998.

Congresswoman EDDIE BERNICE JOHNSON,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSWOMAN JOHNSON: I am aware that the House recently passed H.R. 4250, the Patient Protection Act of 1998. I understand that the Patient's Bill of Rights Act, S. 2330, is currently under consideration as the companion bill.

Managed care is here to stay, but it has, as you are well aware, caused many significant problems. I have had personal, intimate experience with health care plans ever since they were first introduced into the Dallas health care market in the late 1980s. I support the provisions in the bill as it is currently worded. However, I find it very troublesome that the private insurance plans would not be required to emulate the same restrictions against financial incentives as the current Medicare rules provide. To allow a system that awards or penalizes physicians depending on how "cost effective" the care is they provide I believe is unethical. The simple thought of paying physicians extra if they do not provide health care is, in effect, repugnant to me. In addition, we must prevent the development of separate requirements for public and private health care sectors.

In my own particular field, that of transplantation, it is very obvious that transplant patients, i.e. recipients of kidneys, pancreas', livers, hearts, lungs and other organs, are so sick and have such serious disorders that they need to be cared for by specialists in their respective fields, both before and after the transplant. There are areas of the country where a specialist's care is not available. In those circumstances, the local physicians work very closely with the super-specialists at the transplant institutions. I think it is essential to allow chronically ill patients to have specialists designated as their primary care physicians.

On a separate vein, the basis for improvement of care and the safety of treatment we can provide to patients is to allow the patients to participate in scientific, peer-reviewed, controlled trials. It is essential for medicine, and to have health care plans forbid patient participation because of whatever reason they deem fit is unthinkable. They always want to participate and reap the benefits of any advances, especially if they can save a few dollars for themselves. However, they don't ever want to participate and help such developments along.

Finally, since I have seen health care being prevented and withheld by health care providers so many times, I believe it is imperative to allow patients to sue their carrier. The unconscionable way that many health care providers approach health care today is upsetting. One situation I bring to your attention is several years ago open of the biggest HMOs in the country had patients who were 20% more expensive to transplant than other patients. The reason was simply that the patients coming from this particular HMO were so much farther advanced and therefore more complex when they finally arrived for transplantation. The patients were simply prevented from having the transplants when they were in optimum condition, thus jeopardizing their lives. Clearly this was not the fault of the referring physicians or the physicians involved in the transplantation, but the HMOs corporate policy in trying to avoid the cost that would be incurred. Thus, the right to sue the carrier is absolutely essential to insure the patient's right to prevent withholding of care that is so widely prevalent today.

As always I appreciate your work in Congress and your involvement In the health care problems.

Yours most sincerely,

GORAN B. KLINTMALM, M.D.
Medical Director, Transplantation Services,
Baylor University Medical Center—Dallas.

DEPARTMENT OF HEALTH & HUMAN SERVICES,
Washington, DC, September 23, 1998.

HON. EDDIE BERNICE JOHNSON,
House of Representatives, Washington, DC.

DEAR MS. JOHNSON: Thank you for your letter regarding implementation of the surety bond requirement for home health agencies (HHAs) included in the Balanced Budget Act of 1997. I regret the delay in this response.

In response to concerns raised by Members of Congress and the home health industry, the Health Care Financing Administration (HCFA), in a rule published in the Federal Register on July 31, announced the indefinite suspension of the compliance date by which home health agencies must obtain a surety bond. As a result, home health agencies no longer have a date by which they must obtain a surety bond. The Congress has requested that the General Accounting Office conduct a study of the home health surety bond requirement, and upon completion of that study, HCFA will work in consultation with the Congress about the surety bond requirement. Following this review and consultation, the new date by which home health agencies must obtain bonds will be at least 60 days after HCFA publishes a revised rule requiring bonds, but will not be earlier than February 15, 1999.

I hope this information is helpful, and I appreciate your letter. A similar letter is being sent to the other members of the delegation who co-signed your letter.

Sincerely,

NANCY-ANN MIN DEPARLE,
Administrator.

A TRIBUTE TO MARGARET ROBERTS AND CHAR CALLIES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a recent editorial from one of the finest weekly papers I know, the Desert Trail newspaper in Twentynine Palms, California. This editorial pays tribute to two remarkable woman who have made, and continue to make a tremendous differnce to the people of Twentynine Palms.

[The Desert Trail, Thursday, Sept. 10, 1998]

CONGRATS TO OUR CITY CLERKS

There are upsides and downsides to every situation, and the announcement this week that Deputy City Clerk Char Callies will succeed retiring City Clerk Margaret Roberts is no exception.

We all knew the day would come when Margaret would hang up her city of

Twentynine Palms seal and head into "retirement" with her husband, Marine Sgt. Maj. Alex Roberts.

That day will officially come on Dec. 18, when Margaret closes the door on an 11-year career with the city, City Manager Jim Hart announced Wednesday.

"Margaret was the city's first full-time employee and she was instrumental in helping guide the new city after incoporation. We all owe Margaret a sense of gratitude for her efforts on behalf of the city," Hart said in announcing that her resignation had been accepted reluctantly by the City Council for the end of the year.

There's probably not anyone in this city who doesn't owe Margaret some debt of gratitude. For more than a decade she has represented the city of Twentynine Palms in a most gracious and straightforward fashion. It seems there's nothing she can't do, nothing and no one she cannot handle with aplomb.

She has guided council candidates, provided information and assistance of all kinds to just about everyone and their brother and been there to lend an ear when needed.

Margaret has never failed to provide The Desert Trail with information we've requested and never hesitated to pick up the phone and let us know when a story needed to be told.

We will all miss Margaret, even as we wish her well, when she and Alex head East to pursue the next part of their lives together.

That said, we don't think the City Council could have made a better choice to replace Margaret than Char Callies.

A longtime resident of Twentynine Palms, Char is personable, caring, efficient, strong, hard-working and no-nonsense, just like her predecessor.

"Char has been working hard over the past three years to gain the knowledge and experience the City Council felt was needed to become city clerk," Hart said in announcing her promotion. "She has done an outstanding job as the city manager's secretary and deputy city clerk and this promotion is a recognition of Char's efforts."

We wholeheartedly congratulate Char on her promotion and look forward to working with her come mid-December. It's nice to know that she'll be on the job when Margaret says goodbye.

Mr. Speaker, please join me and our colleagues in recognizing the incredible contributions and achievements of these fine women. I know that the entire City of Twentynine Palms is proud of their fine work. It is only fitting that the House of Representatives pay tribute to them today.

TRIBUTE TO LOU STOKES

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SAWYER. Mr. Speaker, I am here today to share the feelings of LOU STOKES' staff as they celebrate his legacy.

Much has been said on this floor about LOU's great accomplishments in this body, but I can think of no greater tribute than that the members of his staff—who have worked late into the night and early into the morning alongside their boss—would want to pay tribute to him in the record.

Lou has put in countless hours both in Cleveland and in Washington over the past 30 years, and his staff has been there with him, working to address the issues most important to him and to his constituents. His staff members have worked in Washington for legal aid, for improvement of public housing, for increased opportunities for the poor. They have worked in the district to address the needs of his constituents. They have all made it their goal to fight alongside LOU for the residents of his congressional district and for all Americans.

So, Mr. Speaker, it is an honor and a privilege today to place a tribute to the Honorable LOU STOKES into the CONGRESSIONAL RECORD on behalf of his loyal and dedicated staff.

STAFF PAYS TRIBUTE

Mr. Speaker, this great body has known giants. The halls of this chamber have resounded to the words of great men and women.

Mr. Speaker, we have been most fortunate to serve one such exceptional gentleman of the House: the gentleman from Ohio, Dean of the Ohio Delegation, the Honorable Louis Stokes. We ride his shoulders and see his vision. Nothing has escaped his penetrating discovery in 30 years.

He put some of us in the field to walk amongst the people and respond to their problems. He gave some of us the task of finding legislative solutions. All of us, at one time or another, knew the anguish of a constituent in pain and all of us, fortunately, on numerous occasions, celebrated the victories of their success. The word "failure" is not in Lou Stokes' vocabulary; the act of failing is unfathomable. No challenge has been too big. No person is too small.

Lou Stokes has been a stalwart defender of the Constitution and has spent his adult life fighting for the right of all people to live in dignity and in peace.

He has gone from dawn to dawn, all in a day's work. His staff are in amazement as his energy continues.

We have learned much from this man of humble beginnings. One can never give too much of one's time, compassion or energy to help one's fellow man. In fact, we must always go the "extra mile" and make sure we have done all that could be done to help someone in need.

Lou Stokes emanates pride in his roots and respect for all people. He fights for his principles and has taught us to be unwavering advocates.

The system may frustrate him, but never thwart him. For Lou Stokes knows how to make change happen from within. He is tough, with a gentle heart. A task master who expects nothing more from others than he would give of himself, Lou Stokes reaches high, very high. In so doing, he makes all of us taller.

We have served Lou Stokes from varying lengths of time. We are the Stokes Team, a family. Mr. Speaker, ladies and gentlemen of the House, you are paying tribute to one of your favorite sons. As he has left an indelible mark on this institution, so has he left something with all of his staff. He has left us a challenge: always take the time to care, to take responsibility, to be involved, to reach back and reach out. Make today count so that tomorrow will be a better day for someone.

Mr. Speaker, we have been privileged to share this gentleman's vision. Thank you for this opportunity to pay tribute to a very special boss.

The Stokes legacy will continue as long as good prevails.

HONORING ALEXANDER DUBCEK

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MICA. Mr. Speaker, during the six months March–August 1968 the world witnessed a revolutionary drama which began in Bratislava, now the capital of Slovakia, and ended in Prague. The world's audience was fascinated especially by the leading player, a Slovak, Alexander Dubcek. Within that short time, Dubcek became a well-known symbol for his reform efforts in the totalitarian centralist Czechoslovakia in which Slovakia was treated as no more than a region. Dubcek's reforms became known as the "Prague Spring" although they would equally deserve the title "Dubcek Spring". His reforms involved the free speech, economic experimentation, open borders and open debate over the country's political future. Dubcek was faced by Stalinist with the same courage, as he had faced the Nazi fascists in the Slovak National Uprising in 1944 in which Alexander was wounded and his brother Julius was killed. It was not just by chance that the Spring 1968 started in Slovakia. In the first and last post World War II democratic elections in Czechoslovakia in 1946, the clear winner in Slovakia had been the Democratic Party, while in the larger Czech part of the country it had been the Communist Party that finally grabbed the overall power.

However, during the night of August 20–21, 1968 Dubcek's revolution was crushed by more than 600,000 troops with 7,000 tanks from the Warsaw Pact countries—Soviet Union, Bulgaria, East Germany, Hungary and Poland. For more than twenty years Dubcek remained under constant state security scrutiny. In spite of his ordeal, he always believed that people were essentially good and he never gave up hope. With the start of the Velvet Revolution in 1989, Dubcek reemerged at the Slovak National Uprising Square in Bratislava and Wenceslas Square in Prague, convincing thousands of demonstrators that their Revolution would succeed.

Few people know that Dubcek's parents came to settle in the United States. They lived in Chicago for more than five years in the second decade of this century but returned to Slovakia shortly before Alexander's birth on November 27, 1921. Alexander literally had his very beginning in the U.S. It is also rather symbolic that the American University in Washington, DC, was among the first in the world to award Dubcek with an honorary Doctorate in April 1990, in the Spring immediately following the Velvet Revolution.

The moral and ideological impact of the "Dubcek Spring" spilled beyond the borders of his country, infiltrating the whole of the former Soviet Bloc. His message was that even the harshest dictatorship cannot prevent men of courage and honesty to reach far ahead of their time and keep their true conviction despite years of oppression. The Dubcek Spring

started a process crowned by the fall of the Berlin Wall and the new democratic perspective for Central and Eastern Europe.

Alexander Dubcek and Vaclav Havel became known as the two symbols of the Velvet Revolution with great international prestige, opening the doors to the world for their respective Republics. By a fatal irony, on September 1, 1992, the day when the new Constitution of the Slovak Republic was adopted, Dubcek was gravely injured in a car accident and he died just a month before the independent Slovakia was born. Unfortunately, he died when he was the most needed by his mother country.

This year the 30th anniversary of the "Dubcek Spring" is commemorated in many countries of the world. The American University, jointly with the Embassy of the Slovak Republic, organized a series of events in which the guest of honor was Dr. Paul Dubcek, Alexander's son. I had the honor and pleasure of accompanying him through the U.S. Capitol and introducing him to such distinguished Congress Members as the Chairman of the Senate Foreign Relations Committee, Senator JESSE HELMS, and the Chairman of the House International Relations Committee, Congressman BENJAMIN GILMAN. I had the opportunity to witness that the name of Dubcek still echoed in the ears of America's leaders.

It is my honor to recognize Alexander Dubcek and also symbolically pay tribute to hundreds of thousands of Slovak Americans who not only provided a key contribution to the American industrial revolution—working hard in coal mines, factories and steel mills of America's past. But also to the Slovak Americans who now lead American business, industry and science.

Alexander Dubcek, the man symbolizing what a giant contribution of a small country at the heart of Europe can provide to the rest of the world, definitely has his place among the great historic leaders of world democracy.

OPTIONS FOR A MEDICARE PRESCRIPTION DRUG BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. STARK. Mr. Speaker, today, I introduced legislation that would provide a prescription drug benefit for Medicare beneficiaries. The bill, if enacted, would close the most glaring deficiency in the Medicare program. With pharmaceuticals becoming an ever-more important element in the treatment of diseases, it is essential that we modernize the Medicare program by including a drug benefit.

I think there is almost universal agreement that Medicare should cover the cost of prescriptions. The issue is the cost and how to pay for it.

I've introduced this bill in the closing hours of the 105th Congress, so that interested parties could think about the issue over the adjournment period. I hope that the various stakeholders will comment over the winter, so that a new and refined bill can be reintroduced at the start of the 106th and have a wide range of support.

I have left blank in the bill the question of (1) size of the deductible, and (2) whether there should be caps on total out-of-pocket expense. Where these two numbers are set will determine what the program will cost and thus what the increase in Part B premiums will be. As we fill in these numbers, seniors and taxpayers will decide whether the admitted cost of the program is worth its value.

There is no free lunch. If the deductible is set high, the cost will be low, but it will help many fewer people. If it is a low deductible, it will be widely used, and the program's cost will be high. Do we want a low-deductible benefit, or do we want a catastrophic coverage benefit that protects people against the several thousand dollar-plus diseases? This is the heart of the debate, and I hope to hear from the public and the industries involved on this key question.

Following is some data that will give readers a feel for the cost of different levels of benefit and the trade-offs involved.

TABLE 1.—PRESCRIPTION DRUG BENEFIT COSTS FOR SMI ENROLLEES

[In billions of dollars]

Fiscal Years	2000	2001	2002	2003	2004	2005	2006	2007	2008
Rx Deductible = $1,000:									
Medicare Gross Outlays	11.1	18.3	20.8	23.8	26.8	30.2	34.1	38.4	43.3
SMI Premiums	−2.9	−4.2	−4.8	−5.4	−6.2	−7.0	−7.9	−8.9	−10.0
Net Medicare Outlays	8.2	14.1	16.1	18.2	20.8	23.3	26.2	29.6	33.3
Medicaid Outlays	0.8	1.2	1.2	1.2	1.3	1.3	1.4	1.4	1.6
Net Effect on Federal Spending	9.1	16.3	17.2	19.4	21.9	24.6	27.8	31.0	34.8
Addendum:									
Increase in Monthly SMI Premium	8.90	10.00	11.20	12.60	14.10	15.70	17.50	19.30	21.40
Rx Deductible = $2,000:									
Medicare Gross Outlays	5.7	9.7	11.6	13.6	15.8	18.6	21.5	25.0	28.9
8MI Premiums	−1.4	−2.1	−2.6	−3.0	−3.5	−4.1	−4.9	−6.6	−6.6
Net Medicare Outlays	4.3	7.8	8.9	10.5	12.3	14.4	16.7	19.3	22.3
Medicaid Outlays	1.2	1.6	1.7	1.7	1.8	1.8	1.9	2.0	2.1
Net Effect on Federal Spending	5.5	9.2	10.6	12.2	14.1	16.2	18.6	21.3	24.4
Addendum:									
Increase in Monthly SMI Premium	4.60	5.40	6.30	7.30	8.40	9.70	11.20	12.70	14.40

NOTES: All options would add prescription drug coverage to the SMI benefit package as of January 1, 2000. The Rx benefit would have a separate deductible and a 20% coinsurance requirement.
Estimates have not been reviewed and are preliminary.
No account has been taken of administrative costs or price discounts that would affect costs.
It was assumed that Medicaid would cover cost-sharing expenses under the Rx benefit for Medicaid-eligible beneficiaries.

TABLE 2.–FEDERAL COST OF MEDICARE DRUG COVERAGE UNDER ALTERNATIVE COST SHARING REQUIREMENTS WITH MEDICAID OFFSETS

[In billions of dollars] [1,2]

	Prescription Drug Benefit Cost Sharing								
	$250 Deductible, 20 Percent Copay, No Benefit Cap			$250 Deductible, 20 Percent Copay, $1,500 Benefit Cap			$500 Deductible, 20 Percent Copay, $1,500 Benefit Cap		
	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Fedeal Medicaid Savings	Net Federal Cost
1999	19.0	2.0	17.0	14.5	1.5	13.0	11.4	1.3	10.1
2000	20.6	2.2	18.4	16.7	1.6	14.1	12.4	1.4	11.0
2001	22.3	2.4	19.9	17.1	1.8	16.3	13.4	1.5	11.9
2002	24.1	2.6	21.5	18.4	1.9	16.5	14.5	1.6	12.9
2003	26.1	2.8	23.3	20.0	2.1	17.9	15.8	1.7	14.1
2004	28.3	3.0	25.3	21.7	2.3	19.4	17.1	1.9	15.2
2005	30.7	3.3	27.4	23.5	2.5	21.0	18.6	2.0	16.6
2006	33.3	3.6	29.7	25.5	2.7	22.8	20.2	2.2	18.0
2007	36.4	3.9	32.5	27.8	2.9	24.9	21.9	2.4	19.5
2008	39.6	4.2	35.4	30.2	3.1	27.1	23.9	2.6	21.3
Total, 1999–2003	112.1	11.9	100.2	85.7	8.9	76.3	67.5	7.5	60.0
Total, 1999–2006	280.4	29.8	250.6	214.4	22.3	192.1	169.2	16.6	160.6

[1] Drug benefit costs valued at average acqusition cost.
[2] Assumes that the deductible and benefit cap are indexed at the same rates as the Medicare Part A hospital deductible over time.
Source: Lewis Group estimates using the Medicare Benefits Simulation Model (MBSM).

TABLE 3.—FEDERAL COST OF AN ILLUSTRATIVE MEDICARE BENEFITS PACKAGE THAT INCLUDES PRESCRIPTION DRUG AND STOP-LOSS COVERAGE

[In billions of dollars]

	Prescription Drug Benefit: $500 Deductible, 20 Percent Copay, $1,500 Benefit Cap			Stop-Loss Benefit: $5,000 Out-of-Pocket Stop-Loss Cap			Total Cost of Illustrative Benefits Package		
	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost	Medicare Cost	Federal Medicaid Savings	Net Federal Cost
1999	11.4	1.3	10.1	5.2	0.7	4.5	16.6	2.0	14.6
2000	12.4	1.4	11.0	5.6	0.8	4.8	18.0	2.2	15.8
2001	13.4	1.5	11.9	6.1	0.9	5.2	19.5	2.4	17.1
2002	14.5	1.6	12.9	6.9	0.9	6.0	21.4	2.5	18.9
2003	15.8	1.7	14.1	7.3	1.0	6.3	23.1	2.7	20.4
2004	17.1	1.9	15.2	7.9	1.1	6.8	25.0	3.0	22.0
2005	18.6	2.0	16.6	8.7	1.2	7.5	27.3	3.2	24.1
2006	20.2	2.2	18.0	9.4	1.3	8.1	29.6	3.5	26.1
2007	21.9	2.4	19.5	9.9	1.5	8.4	31.8	3.9	27.9
2008	23.9	2.6	21.3	10.5	1.6	8.9	34.4	4.2	30.2
Total, 1999–2003	67.5	7.5	60.0	31.1	4.3	26.8	98.6	11.8	86.8
total, 1999–2008	169.2	18.6	150.6	77.5	11.0	66.5	246.7	29.6	217.1

Source: Lewin Group estimates using the Medicare Benefits Simulation Model (MBSM).

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1998

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. MILLER of California. Mr. Speaker, I am proud to have sponsored this bill, the Tribal Self-Governance Amendments of 1998, which I believe will mark yet another milestone in the history of Indian self-determination. This major legislation is the product of more than two years of hard work and consultation with Indian tribes and the Administration. We have worked diligently with the tribes and the Department of Health and Human Services to make this bill as fair as possible. I would like to extend my appreciation to the tribal leaders, their representatives, and the Departmental staff who have made passage of this bill possible.

It is important to note that subsequent to the full committee mark up that occurred this spring, the tribes and the Department were able to work out additional differences. Thus there are several changes that I want to highlight. We were able to come to agreement on issues regarding reassumption, regulation waiver, trial de novo, rejection of final offer, and the creation of a new title VI to carry out the non-IHS demonstration project study.

Let me briefly explain what this bill does. H.R. 1833, the Tribal Self-Governance Amendments Act of 1998, would create two new titles in the 1975 Indian Self-Determination and Education Assistance Act. The 1975 Act allows Indian tribes to contract for or take over the administration and operation of certain federal programs which provide services to Indian tribes. Subsequent amendments to the 1975 Act created Title III of the Act which provided for a Self-Governance Demonstration Project that allows for large-scale tribal Self-Governance compacts and funding agreements on a "demonstration" basis.

The new title V created by H.R. 1833 would make this contracting by tribes permanent for programs contracted for within the Indian Health Service (IHS). Thus, Indian and Alaska Native tribes would be able to contract for the operation, control, and redesign of various IHS activities on a permanent basis. In short, what was a demonstration project would become a permanent IHS Self-Governance program. Pursuant to H.R. 1833, tribes which have already contracted for IHS activities would continue under the provisions of their contracts while an additional 50 new tribes would be selected each year to enter into contracts.

The 1998 amendments require that Indian tribes must meet certain criteria—they have to have experience in government contracting, have clean audits, and demonstrate management capability—in order to exercise the right to take over the operation of IHS functions, including the funds necessary to run them.

H.R. 1833 also adds a new title VI which authorizes a feasibility study regarding the execution of tribal Self-Governance compacts and funding agreements of Indian-related programs outside the IHS but within the Department of Health and Human Services on a demonstration project basis.

Although this issue was not addressed in this legislation, I want to express my continued concern about the poor labor relations at various Indian Health Service facilities throughout the West, but particularly the IHS facilities at Sacaton, Arizona and Owyhee, Nevada. Contrary to both the law and agency decisions, the IHS has refused to complete its obligation to meet and negotiate with the Laborers' International Union which represents workers at these facilities. I also understand that the IHS continues to commit unfair labor practices. I want to send a strong message to the IHS that I will continue to monitor labor relations at IHS facilities and that continued indifference to the law and agency decisions will not be ignored by Congress. I understand that the Administration is aware of my concerns and has agreed to correct these issues in the very near future.

I firmly believe that this bill advances the principle focus of the Self-Governance program—to remove needless and sometimes harmful layers of federal bureaucracy that dictate Indian affairs. By giving tribes direct control over federal programs run for their benefit and making them directly accountable to their members, we are enabling Indian tribes to run programs more efficiently and more innovatively than federal officials have in the past. And, allowing tribes to run these programs furthers the Congressional policy of strengthening and promoting tribal governments.

The Self-Governance program recognizes that Indian tribes care for the health, safety, and welfare of their own members as well as that of non-Indians who either live on their reservations or conduct business with the tribes and are thus committed to safe and fair working conditions and practices.

A comprehensive description of the substitute follows. I strongly urge my colleagues to pass this legislation.

SECTION-BY-SECTION DESCRIPTION OF SUBSTITUTE

SECTION 1. SHORT TITLE.

This provision sets forth the short title, "The Tribal Self-Governance Act Amendments of 1998."

SECTION 2. FINDINGS

This provision sets forth the findings of Congress which reaffirm the inherent sovereignty of Indian tribes and the unique government-to-government relationship between the United States and Indian tribes. The findings make clear that while progress has been made, the federal bureaucracy has eroded tribal self-governance. The findings state that the Federal Government has failed to fully meet its trust responsibility and to satisfy its obligations under treaties and other laws. The findings explain that Congress has reviewed the tribal self-governance demonstration project and concluded that self-governance is an effective mechanism to implement and strengthen the federal policy of government-to-government relations with Indian tribes by transferring Indian tribes full control and funding for federal programs, functions, services, or activities, or portions thereof.

SECTION 3. DECLARATION OF POLICY

This section provides that it is Congress' policy to permanently establish and implement tribal self-governance within the Department of Health and Human Services with the full cooperation of its agencies. Among the key policy objectives Congress seeks to achieve through the self-governance program are to (1) maintain and continue the United States' unique relationship with Indian tribes; (2) allow Indian tribes the flexibility to choose whether they wish to participate in self-governance; (3) ensure the continuation and fulfillment of the United States' trust responsibility and other responsibilities towards Indian Tribes that are contained in treaties and other laws; (4) permit a transition to tribal control and authority over programs, functions, services, or activities (or portions thereof); and (5) provide a

corresponding parallel reduction in the Federal bureaucracy.

SECTION 4. TRIBAL SELF GOVERNANCE

This section sets out the substantive provisions of the Self-Governance program within the Indian Health Service and authorizes a feasibility study of the applicability of Self-Governance to other Departmental agencies by adding Titles V and VI to the Indian Self-Determination and Education Assistance Act.

SECTION 501. ESTABLISHMENT

This provision directs the Secretary of HHS to establish a permanent Tribal Self-Governance Program in the Indian Health Service.

SECTION 502. DEFINITIONS

Subsection (a)(1) defines the term "construction project". The Committee does not intend this legislation to preclude agreements between self-governance tribes and the Indian Health Service for carrying out sanitary facilities construction projects pursuant to a "Project Funding Agreement" or "Memorandum of Agreement" executed as an addendum to a Title V Annual Funding Agreement as authorized by Section 7(a)(3) of Pub. L. 86–121, 73 Stat. 267 (42 U.S.C. § 2004(a)).

Subsection (a)(2) provides that a "construction project agreement" is one between the Secretary and the Indian tribe that, at a minimum, establishes start and completion dates, scope of work and standards, identifies party responsibilities, addresses environmental considerations, identifies the owner and maintenance entity of the proposed work, provides a budget, provides a payment process, and establishes a duration of the construction project agreement.

Subsection (a)(3) defines "inherent federal functions" as those functions which cannot be legally delegated to Indian tribes. This definition states the obvious. Inherent federal functions are functions which the Executive Branch cannot by law delegate to other branches of governments, or non-governmental entities. The Committee's definition is consistent with the Department of the Interior Solicitor's Memorandum of May 17, 1996 entitled "Inherently Federal Functions under the Tribal Self-Governance Act of 1994." The Committee's definition is expressly intended to provide flexibility so as to allow the Secretary and the tribes to come to agreement on which functions are inherently federal on a case-by-case basis. It is important to note that, in the tribal procurement context, there is another factor the Committee has considered—when the federal government is returning tribal governmental powers and functions that are inherent in tribes governmental status such as those possessed by tribes before the establishment of the federal Indian bureaucracy, the scope of allowable transfers is broader than in the transfer of federal government powers to private or other governmental entities.

Subsection (a)(4) defines "inter-tribal consortium". The Committee notes that during the Title III Demonstration Project the IHS authorized intertribal consortia, such as the co-signers to the Alaska Tribal Health Compact, to participate in the Project and that participation has had great success. The definition of "inter-tribal consortium" is intended to include "tribal organizations" as that term is defined in Section 4(l) of the Indian Self-Determination Act, Pub. L. No. 93–638. This would include consortia such as those involved in the Alaska Tribal Health Consortium. It is the Committee's intent that inter-tribal consortia and tribal organizations shall count as one tribe for purposes of the 50 tribe per year limitation contained in section 503(a).

Subsection (a)(5) defines "gross mismanagement". The inclusion of this term is to govern one of the criteria that the Secretary is to consider in the reassumption of a tribally-operated program. The Secretary will be given the authority to reassume programs that imminently endanger the public health where the danger arises out of a compact or funding agreement violation. The Committee believes that the inclusion of a performance standard, in this case gross mismanagement, is also an appropriate grounds for reassumption. Gross mismanagement is defined as a significant, clear, and convincing violation of compact, funding agreement, regulatory or statutory requirements related to the transfer of Self-Governance funds to the tribe that results in a significant reduction of funds to the tribe's Self-Governance program. The Committee's definition of gross mismanagement is narrowly tailored and will require a high degree of proof by the Secretary. The Committee is well aware of tribal concerns and agrees that the inclusion of this performance standard must not be utilized by the Secretary in such a manner as to needlessly impose monitoring and auditing requirements that hinder the efficient operation of tribal programs. Intrusive and overburdensome monitoring and auditing activities are antithetical to the goals of Self-Governance.

Subsection (a)(6) defines "tribal shares". This definition is consistent with the Title IV Rule-making Committee's determination that residual funds are those "necessary to carry out the inherently federal functions that must be performed by federal officials if all tribes assume responsibilities for all BIA programs." Fed. Reg. Vol. 63, No. 29, 7235, (Feb. 12, 1998) (Proposed Rule, 25 CFR Sec. 1000.91). All funds appropriated under the Indian Self-Determination and Education Assistance Act are either tribal shares or Agency residual.

Subsection (a)(7) defines "Secretary" as the Secretary of Health and Human Services.

Subsection (a)(8) defines "Self-Governance" as the program established under this title.

Section (b) defines "Indian Tribe". This definition enables an Indian tribe to authorize another Indian tribe, inter-tribal consortium or tribal organization to participate in self-governance of its behalf. The authorized Indian Tribe, inter-tribal consortium or tribal organization may exercise the authorizing Indian tribe's rights as specified by Tribal resolution.

SECTION 503. SELECTION OF PARTICIPATING TRIBES

This section describes the eligibility criteria that must be satisfied by any Indian tribe interested in participating.

(a) Continuing Participation. All tribes presently participating in the Tribal Self-Governance Demonstration Project under Title III of the Indian Self-Determination Act may elect to participate in the permanent Self-Governance program. Tribes must do so through tribal resolution.

(b) Additional Participants. (1) This section allows an additional 50 tribes a year to participate in self-governance.

(2) This section allows an Indian tribe that chooses to withdraw from an inter-tribal consortium or tribal organization to participate in self-governance provided it independently meets the eligibility criteria in Title V. Tribes and tribal organizations that withdraw from tribal organizations and inter-tribal consortia under this section shall be entitled to participate in the permanent program under section 503(b)(2) and such participation shall not be counted against the 50 tribe a year limitation contained in section 503(a).

(c) Applicant Pool. The eligibility criteria for self-governance tribes are the same as those that apply under Title IV. To participate, an Indian tribe must successfully complete a planning phase, must request participation in the program through a resolution or official action of the governing body, and must have demonstrated financial stability and financial management capability for the past three years. Proof of no material audit exceptions in the tribe's self determination contracts or Self Governance funding agreements is conclusive proof of such qualification. The Committee notes that the financial examination addressed in subsection 503(c)(3) refers solely to funds managed by the tribe under Title I and Title IV of the Indian Self-Determination Act. The bill has been deliberately crafted to make clear that a tribe's activities in other economic endeavors are not subject of the Section 503(c) examination. Similarly, the "budgetary research" referred to in section 503(d)(1) of the bill requires a tribe to research only budgetary issues related to the administration of the programs the tribe anticipates transferring to tribal operation under Self-Governance.

(d) Planning Phase. Every Indian tribe interested in participating in self-governance shall complete a planning phase prior to participating in the program. The planning phase is to include legal and budgetary research and internal tribal government planning and organizational preparation. The planning phase is to be completed to the satisfaction of the tribe.

(e) Grants. Subject to available appropriations, any Indian tribe interested in participating in self-governance is eligible to receive a grant to plan for participation in the Program or to negotiate the terms of a Compact and funding agreement.

(f) Receipt of Grant not Required. This section provides that receipt of a grant from HHS is not required to participate in the permanent program.

SECTION 504. COMPACTS

This section authorizes Indian tribes to negotiate Compacts with the Secretary and identifies generally the contents of Compacts. While the Compact process was not specifically part of prior legislative enactment, the Committee understands that Compacts have developed as an integral part of Self Governance. The Committee believes that Compacts serve an important and necessary function in establishing government-to-government relations, which as noted earlier, is the keystone of modern federal Indian policy.

(a) Compact Required. The Secretary is required to negotiate and enter into a written Compact consistent with the trust responsibility, treaty obligations and the government-to-government relationship between the United States and each participating tribe.

(b) Contents. This section requires that Compacts state the terms of the government-to-government relationship between the Indian Tribe and the United States. Compacts may only be amended by agreement of both parties.

(c) Existing Compacts. Upon enactment of Title V, Indian tribes have the option of retaining their existing Compacts, or any portion of the Compacts that do not contradict the provisions of Title V.

(d) Term and Effective Date. The date of approval and execution by the Indian Tribe is generally the effective date of a Compact, unless otherwise agreed to by the parties. A Compact will remain in effect as long as permitted by federal law or until terminated by written agreement of the parties, or by retrocession or reassumption.

SECTION 505. FUNDING AGREEMENTS

This section authorizes Indian tribes to negotiate funding agreements with the Secretary and identifies generally the contents of those agreements.

(a) Funding Agreement Required. The Secretary is required to negotiate and enter into a written funding agreement consistent with the trust responsibility, treaty obligations and the government-to-government relationship between the United States and each participating tribe.

(b) Contents. An Indian tribe may include in an funding agreement all programs, functions, services, or activities, (or portions thereof) that it is authorized to carry out under Title I of the Act. Funding agreements may, at the option of the Indian tribe, authorize the Tribe to plan and carry-out all programs, functions, services, or activities (or portion thereof) administered by the IHS that are carried out for the benefit of Indians because of their status as Indians or where Indian tribes or Indian beneficiaries are the primary or significant beneficiaries, as set forth in status. For each program, function, service, or activity (or portion thereof) included in a funding agreement, an Indian tribe is entitled to receive its full tribal share of funding, including funding for all local, field, service unit, area, regional, and central/headquarters or national office locations. Available funding includes the Indian tribe's share of discretionary IHS competitive grants but not statutorily mandated competitive grants.

The Committee is concerned with the reluctance of the Indian Health Service to include all available federal health funding in self governance funding agreements. We note, as an example, the refusal of the IHS to so include the Diabetes Prevention Initiative funding. As a result, funding was delayed and undue administrative requirements diverted resources from direct services. This section is intended to directly remedy this situation.

The Committee has received ample testimony showing the benefits of self governance. In 1998, the National Indian Health Board recently released its' "National Study on Self-Determination and Self-Governance," providing empirical evidence that self-governance leads to more efficient management of tribal health service delivery, especially preventive services. This study consistently observed an overall improvement in quality of care when tribes operate their own Health Care systems. Less than full funding agreements will result in less than maximum use of federal resources to address the health care in Indian country. Accordingly, this section is to be interpreted broadly by affording a presumption in favor of including in a tribe's self-governance funding agreement any federal funding administered by that Agency.

(c) Inclusion in Compact or Funding Agreement. Indians do not need to be specifically identified in authorizing legislation for a program to be eligible for inclusion in a Compact or funding agreement.

(d) Funding Agreement Terms. Each funding agreement should generally set out the programs, functions, services, or activities, (or portions thereof) to be performed by the Indian tribe, the general budget category assigned to each program, function, service, or activity (or portion thereof), the funds to be transferred, the time and method of payment and other provisions that the parties agree to.

(e) Subsequent Funding Agreements. Each funding agreement remains in full force and effect unless the Secretary receives notice from the Indian tribe that it will no longer operate one or more of the programs, functions, services, or activities, (or portions thereof) included in the funding agreement or until a new funding agreement is executed by the parties.

The Committee is concerned with reports that the IHS has been able to use the annual negotiations provisions of Section 303(a) of the Act to obtain an unfair bargaining advantage during negotiations by threatening to suspend application of the Act to a tribe if it does not sign an Annual Funding Agreement. This subsection is meant to facilitate negotiation between the tribes and the Indian Health Service on a true government-to-government basis. The Committee believes the retroactive provision is fair because this assures that no act or omission of the federal government endangers the health and welfare of tribal members.

(f) Existing Funding Agreements. Upon enactment of Title V, Tribes may either retain their existing annual funding agreements, or any portion thereof, that do not conflict with provisions of title V, or negotiate new funding agreements that conform to Title V.

(g) Stable Base Funding. An Indian tribe may include a stable base budget in its funding agreement. A stable base budget contains the tribe's recurring funding amounts and provides for transfer of the funds in a predictable and consistent manner over a specific period of time. Adjustments are made annually only if there are changes in the level of funds appropriated by Congress. Nonrecurring funds are not included and must be negotiated on an annual basis. The Committee intends this section to codify the existing Agency policy guidance on stable base funding.

SECTION 506. GENERAL PROVISIONS

(a) Applicability. The provisions in this section may, at the tribe's option, be included in a Compact or funding agreement negotiated under Title V.

(b) Conflicts of Interest. Indian tribes are to assure that internal measures are in place to address conflicts of interest in the administration of programs, functions, services, or activities, (or portions thereof).

(c) Audits. The Single Agency Audit Act applies to Title V funding agreements. Indian tribes are required to apply cost principles set out in applicable OMB Circulars, as modified by section 106 of Title I or by any exemptions that may be applicable to future OMB Circulars. No other audit or accounting standards are required. Claims against Indian tribes by the Federal Government based on any audit of funds received under a Title V funding agreement are subject to the provisions of section 106(f) of Title I.

(d) Records. An Indian tribe's records are not considered federal records for purposes of the Federal Privacy Act, unless otherwise stated in the Compact or funding agreement. Indian tribes are required to maintain a record keeping system and, upon reasonable advance request, provide the Secretary with reasonable access to records to enable HHS to meet its minimum legal record keeping requirements under the Federal Records Act.

(e) Redesign and Consolidation. An Indian tribe may redesign or consolidate programs, functions, services, or activities, (or portions thereof) and reallocate or redirect funds in any way the Indian tribe considers to be in the best interest of the Indian community. Any redesign or consolidation, however, must not have the effect of unfairly denying eligibility to people otherwise eligible to be served under federal law.

(f) Retrocession. An Indian tribe may retrocede fully or partially back to the Secretary any program, function, service, or activity (or portion thereof) included in a Compact or funding agreement. A 1retrocession request becomes effective within the time frame specified in the Compact or funding agreement, one year from the date the request was made, the date the funding agreement expires, or any date mutually agreed to by the parties, whichever occurs first.

(g) Withdrawal. An Indian tribe that participates in self-governance through an inter-tribal consortium or tribal organization can withdraw from the consortium or organization. The withdrawal becomes effective within the time frame set out in the tribe's authorizing resolution. If a time frame is not specified, withdrawal becomes effective one year from the submission of the request or on the date the funding agreement expires, whichever occurs first. An alternative date can be agreed to by the parties, including the Secretary.

When an Indian tribe withdraws from an inter-tribal consortium or tribal organization and wishes to enter into a Title I contract or Title V agreement on its own, it is entitled to receive its share of funds supporting the program, function, service, or activity, (or portion thereof) that it will carry out under its new status. The funds must be removed from the funding agreement of the participating organization or inter-tribal consortium and included in the withdrawing tribe's agreement or contract. If the withdrawing tribe is to receive services directly from the Secretary, the tribe's share of funds must be removed from the funding agreement of the participating organization or inter-tribal consortium and retained by the Secretary to provide services. Finally, an Indian tribe that chooses to terminate its participation in the self-governance program may, at its option, carry out programs, functions, services, or activities, (or portions thereof) in a Title I contract of Self-Governance funding agreement and retain its mature contractor status.

(h) Nonduplication. This section provides that a tribe operating programs under a Self-Governance compact may not contract under Title I (a "638 contract") for the same programs.

SECTION 507. PROVISIONS RELATING TO THE SECRETARY

This section sets out mandatory and nonmandatory provisions relating to the Secretary's obligations.

(a) Mandatory Provisions.

(1) Health Status Reports. To the extent that the data is not otherwise available to the Secretary, Compacts and funding agreements must include a provision requiring the Indian tribe to report data on health status and service delivery. The Secretary is to use this data in her annual reports to Congress. The Secretary is required to provide funding to the Indian tribe to compile such data. Reporting requirements can only impose minimal burdens on the Indian tribe and may only be imposed if they are contained in regulations developed under negotiated rulemaking.

(2) Reassumption. Compacts or funding agreements must include a provision authorizing the Secretary to reassume a program,

function, service, or activity, (or portion thereof) if she makes a finding of imminent endangerment of the public health caused by the Indian tribe's failure to carry out the Compact or funding agreement or gross mismanagement that causes a significant reduction in available funding. The Secretary is required to provide the Indian tribe with notice of a finding. The Indian tribe may take action to correct the problem identified in the notice. The Secretary has the burden at the hearing of demonstrating by clear and convincing evidence the validity of the grounds for reassumption. In cases where the Secretary finds imminent substantial and irreparable endangerment of the public health caused by the tribe's failure to carry out the Compact or funding agreement, the Secretary may immediately reassume the program but is required to provide the tribe with a hearing on the record within ten days after reassumption.

(b) Final Offer. If the parties cannot agree on the terms of a Compact or funding agreement, the Indian tribe may submit a final offer to the Secretary. The Secretary has 45 days to determine if the offer will be accepted or rejected. The 45 days can be extended by the Indian tribe. If the Secretary takes no action the offer is deemed accepted by the Secretary.

(c) Rejection of Final Offers. This provision describes the only circumstances under which the Secretary may reject an Indian tribe's final offer.

A rejection requires written notice to the Indian tribe within 45 days of receipt with specific findings that clearly demonstrate or are supported by controlling legal authority that: (1) the amount of funds proposed exceeds the funding level that the Indian tribe is entitled to; (2) the program, function, service, or activity (or portion thereof) that is the subject of the offer is an inherent federal function that only can be carried out by the Secretary; (3) the applicant is not eligible to participate in self-governance; or (4) the Indian tribe cannot carry out the program, function, service or activity, (or portion thereof) without a significant danger or risk to the public health. The Committee believes the fourth provision appropriately balances the Secretary's trust responsibility to assure the delivery of health care services to Indian beneficiaries, with the equally important goal of fostering maximum tribal self-determination in the administration of health care programs transferred under Title V. The Committee has included the requirement of a "specific finding" is included to avoid rejections which merely state conclusory statements that offer no analysis and determination of facts supporting the rejection.

The Secretary must also offer assistance to the Indian tribe to overcome the stated objections, and must provide the Indian tribe with an opportunity to appeal the rejection and have a hearing on the record. In any hearing the Indian tribe has the right to engage in full discovery. The Indian tribe also has the option to proceed directly to federal district court under section 110 of Title I of the Act in lieu of an administrative hearing.

The Secretary may only reject those portions of a "final offer" which do not justify a rejection. By entering into a partial Compact or funding agreement the Indian tribe does not waive its right to appeal the Secretary's decision for the rejected portions of the offer.

(d) Burden of Proof. The Secretary has the burden of demonstrating by clear and convincing evidence the validity of a rejection of a final offer in any hearing, appeal or civil action. A decision relating to an appeal within the Department is considered a final agency action if it was made by an administrative judge or by an official of the Department whose position is at a higher level than the level of the departmental agency in which the decision that is the subject of the appeal was made.

(e) Good Faith. The Secretary is required to negotiate in good faith and carry out his discretion under Title V in a manner that maximizes the implementation of self-governance.

(f) Reduction of Secretarial Responsibilities. Any savings in the Department's administrative costs that result from the transfer of programs, functions, services, or activities, (or portions thereof) to Indian tribes in self-governance agreements that are not otherwise transferred to Indian tribes under Title V must be made available to Indian tribes for inclusion in their Compacts or funding agreements. We have consistently indicated that Self Governance should achieve reductions in federal bureaucracy and create resultant cost savings. This subsection makes clear that such savings are for the benefit of the Indian tribes. Savings are not to be utilized for other agency purposes, but rather are to be provided as additional funds or services to all tribes, intertribal consortia, and tribal organizations in a fair and equitable manner.

(g) Trust Responsibility. The Secretary is prohibited from waiving, modifying or diminishing the trust responsibilities or other responsibilities as reflected in treaties, executive orders or other laws and court decisions of the United States to Indian tribes and individual Indians. The Committee reaffirms that the protection of the federal trust responsibility to Indian tribes and individuals is a key element of Self Governance. The ultimate and legal responsibility for the management and preservation of trust resources resides with the United States as Trustee. The Committee believes that health care is a trust resource consistent with federal court decisions. This subsection continues the practice of permitting substantial tribal management of its trust resources provided that tribal activities do not replace the trustee's specific legal responsibilities. Section 507(a)(2) (reassumption) with its concept of imminent endangerment of the public health provides guidance in defining the Secretary's trust obligation in the health context.

(h) Decisionmaker. Final agency action is a decision by either an official from the Department at any higher organizational level than the initial decision maker or an administrative law judge. Subparagraph (h)(2) is included to assure that the persons deciding an administrative appeal are not the same individuals who made the initial decision to reject a tribe's "final offer."

SECTION 508. TRANSFER OF FUNDS

(a) In General. The Secretary is required to transfer all funds provided for in a funding agreement, pursuant to Section 509(c) below. Funds are also required to be provided for periods covered by continuing resolutions adopted by Congress, to the extent permitted by such resolutions. When a funding agreement requires that funds be transferred at the beginning of the fiscal year, the transfer are to be made within 10 days after the Office of Management and Budget apportions the funds, unless the funding agreement states otherwise.

(b) Multi-Year Funding. The Secretary is authorized to negotiate multi-year funding agreements.

(c) Amount of Funding. The Secretary is required to provide an Indian tribe the same funding for a program, function, service, or activity, (or portion thereof) under self-governance that the tribe would have received under Title I. This includes all Secretarial resources that support the transferred program, and all contract support costs (including indirect costs) that are not available from the Secretary but are reasonably necessary to operate the program. The bill requires that the transfer of funds occur along with the transfer of the program. Thus the bill states that "the Secretary shall provide" the funds specified, and the Secretary is not authorized to phase-in funds in any manner that is not voluntarily agreed to by Self-Governance tribe.

(d) Prohibitions. The Secretary is specifically prohibited from withholding, refusing to transfer or reducing any portion of an Indian tribe's full share of funds during a Compact or funding agreement year, or for a period of years. The Committee is aware that for the first twenty-one years of administration of the Indian Self-Determination Act, the Department had never taken the position that it has the discretion to delay funding for any program transferred under the Act absent tribal consent. However, a 1996 IHS circular purported to do just that. Since this circular was issued, several Area offices have refused to turn over substantial program funds to tribal operation. In one instance both an Area office and Headquarters refused to transfer portions of programs for several years, and with respect to several Headquarters functions the IHS refused to transfer the functions altogether. A recent Oregon Federal district court decision declared Indian Health Service's actions in these instances illegal and the Committee agrees.

Additionally, funds that an Indian tribe is entitled to receive may not be reduced to make funds available to the Secretary for monitoring or administration; may not be used to pay for federal functions (such as pay costs or retirement benefits); and, may not be used to pay costs associated with federal personnel displaced by self-governance or Title I contracting.

In subsequent years, funds may only be reduced in very limited circumstances: if Congress reduces the amount available from the prior year's appropriation; if there is a directive in the statement of managers which accompanies an appropriation; if the Indian tribe agrees; if there is a change in the amount of pass-through funds; or, if the project contained in the funding agreement has been completed.

(e) Other Resources. If an Indian tribe elects to carry out a Compact or funding agreement using federal personnel, supplies, supply sources or other resources that the Secretary has available under procurement contracts, the Secretary is required to acquire and transfer the personnel, supplies or resources to the Indian tribe.

(f) Reimbursement to Indian Health Service. The Indian Health Service is authorized on a reimbursable basis to provide goods and services to tribes. Reimbursements are to be credited to the same or subsequent appropriation account which provided the initial funding. The Secretary is authorized to receive and retain the reimbursed amounts until expended without remitting them to the Treasury.

(g) Prompt Payment Act. This subsection makes the Prompt Payment Act (31 U.S.C. Chapter 39) applicable to the transfer of all funds due to a tribe under a Compact or funding agreement. The first annual or semi-

annual transfer due under a funding agreement must be made within 10 calendar days of the date the Office of Management and Budget apportions the appropriations for that fiscal year. Under this section, the Secretary is obligated to pay to a Self-Governance tribe interest, as calculated under the Prompt Payment Act, for any late payment under a funding agreement.

(h) Interest or Other Income on Transfers. An Indian tribe may retain interest earned or other income on funds transferred under a Compact or funding agreement. Interest earned must not reduce the amount of funds the tribe is entitled to receive during the year the interest was earned or in subsequent years. An Indian tribe may invest funds received in a funding agreement as it wishes, provided it follows the "prudent investment standard", a commonly utilized fiduciary standard, that the Committee believes is strict enough to ensure that funds are invested wisely and safely yet provide a reasonable yield on investment.

Eligible investments under the prudent investment standard may include the following: (1) cash and cash equivalents (including bank checking accounts, savings accounts, and brokerage account free cash balances that carry a quality rating A1 P1, or AA or higher) (2) money market accounts with an A rating or higher, (3) certificates of deposit where the amounts qualify for insurance ($100,000 or less) or where the issuing bank has delivered a specific assignment, (4) bank repossession certificates where the amounts qualify for insurance ($100,000 or less) or where the issuing bank has delivered a specific assignment, (5) U.S. Government or Agency Securities, (6) commercial paper rated A1 P1 at time of purchase and which cannot exceed 10% of portfolio at time of purchase with any one issuer (short term paper—under 90 days—may be treated as a cash equivalent), (7) auction rate preferred instruments that are issued by substantial issuers, are rated AA or better, and may be utilized with auction maturities of 28 to 90 days, (8) corporate bonds of U.S. Corporations that have Moody's, Standard and Poor's, or Fitch's rating of A or equivalent and where no more than 10% of portfolio at time of purchase is invested in the securities of any one issuer, (9) dollar denominated short term bonds of the G7 Nations or World Bank only if the yields exceed those of U.S. instruments of equivalent maturity and quality, and where no more than 25% of portfolio at time of purchase is invested in this asset category, (10) properly registered short term no-load government or corporate bond mutual funds with a safety rating and average fund quality of A or higher, which demonstrate low volatility, and where no more than 25% of portfolio at time of purchase is invested in any one fund.

Carryover of Funds. All funds paid to an Indian tribe under a Compact or funding agreement are "no year" funds and may be spent in the year they are received or in any future fiscal year. Carryover funds are not to reduce the amount of funds that the tribe may receive in subsequent years.

(j) Program Income. All program income (including Medicare/Medicaid) earned by an Indian tribe is supplemental to the funding that is included in its funding agreement. The Secretary may not reduce the amount of funds that the Indian tribe may receive under its funding agreement for future fiscal years. The Indian tribe may retain such income and spend it either in the current or future years.

(k) Limitation of Costs. An Indian tribe is not required to continue performance of a Program, function, service, or activity (or portion thereof) included in a funding agreement if doing so requires more funds than were provided under the funding agreement. If an Indian tribe believes that the amount of funds transferred is not enough to carry out a program, function, service, or activity, (or portion thereof) for the full year, the Indian tribe may so notify the Secretary. If the Secretary does not supply additional funds the tribe may suspend performance of the program, function, service, or activity (or portion thereof) until additional funds are provided.

SECTION 509. CONSTRUCTION PROJECTS

(a) In General. Indian tribes are authorized to conduct construction projects authorized under this Section. The tribes are to assume full responsibility for the projects, including responsibility for enforcement and compliance with all relevant federal laws, including the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969. A tribe undertaking a construction project must designate a certifying officer to represent the tribe and accept federal court jurisdiction for purposes of the enforcement of federal environmental laws.

(b) Negotiations. This subsection provides that negotiation of construction projects are negotiated pursuant to Section 105(m) of the Act and construction project agreements included in the funding agreement as an addendum.

(c) Codes and Standards. The tribes and the IHS must agree to standards and codes for the construction project. The agreement will be in conformity with nationally accepted standards for comparable projects.

(d) Responsibility for Completion. This subsection provides that the Indian tribe must assume responsibility for the successful completion of the project according to the terms of the construction project agreement.

(e) Funding. This subsection provides that funding of construction projects will be through advance payments, on either an annual or semi-annual basis. Payment amounts will be determined by project schedules, work already completed, and the amount of funds already expended. Flexibility in payment schedules will be maintained by the IHS through contingency funds to take account of exigent circumstances such as weather and supply.

(f) Approval. This subsection allows the Secretary to have at least one opportunity to approve tribal project planning and design documents or significant amendments to the original scope of work before construction. The tribe is to provide at least semiannual progress and financial reports. The Secretary is allowed to conduct semiannual site visits or on another basis if agreed to by the tribe.

(g) Wages. This subsection mirrors section 7(a) of the Indian Self-Determination and Education Assistance Act which incorporates Davis-Bacon wage protections for workers.

(h) Application of Other Laws. This subsection provides that provisions of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations, and other federal procurement laws and regulations do not apply to construction projects, unless agreed to by the participating tribe.

SECTION 510. FEDERAL PROCUREMENT LAWS AND PROGRAM REGULATIONS

This section provides that unless otherwise agreed to by the parties, Compacts and funding agreements are not subject to federal contracting or cooperative agreement laws and regulations (including executive orders) unless those laws expressly apply to Indian tribes. Compacts and funding agreements are also not subject to program regulations that apply to the Secretary's operations.

SECTION 511. CIVIL ACTIONS

(a) Contract Defined. The Committee intends that Section 110 of Title I of the Act, which grants tribes access to Federal District Court to challenge a decision by the Secretary, shall apply to this Title.

(b) Applicability of Certain Laws. This subsection provides that Department of Interior approval of tribal contracts (25 U.S.C. 81) and section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall not apply to attorney and other professional contracts with Self-Governance tribes.

SECTION 512. FACILITATION

(a) Secretarial Interpretation. This section requires the Secretary to interpret all executive orders, regulations and federal laws in a manner that will facilitate the inclusion of programs, functions, services, or activities, (or portions thereof) and funds associated therewith under Title V, implementation of Title V Compacts and funding agreements, and the achievement of Tribal health goals and objectives where they are not inconsistent with Federal law. This section reinforces the Secretary's obligation not merely to provide health care services to Native American tribes, but to facilitate the efforts of tribes to manage those programs for the maximum benefit of their communities.

(b) Regulation Waiver. An Indian tribe participating in Self-Governance under Title V may seek a waiver of an applicable Indian Self-Determination Act regulation by submitting a written waiver request to the Secretary. The Secretary has 90 days to respond and a failure to act within that period is deemed an approval of the request by operation of law. Action on a waiver request is final for the Department. Denials may be made upon a specific finding that the waiver is prohibited by federal law. Failure to act within the 90 day period by the Secretary is deemed an approval.

(c) Access to Federal Property. This subsection addresses tribal use of federal buildings, hospitals and other facilities, as well as the transfer to tribes of title to excess personal or real property. At the request of an Indian tribe the Secretary is required to permit the Indian tribe to use government-owned real or personal property under the Secretary's jurisdiction under such terms as the parties may agree to.

The Secretary is required to donate title to personal or real property that is excess to the needs of any agency or the General Services Administration as long as the Secretary has determined that the property is appropriate for any purpose for which a compact is authorized, irrespective of whether a tribe is in fact administering a particular program that matches that purpose. For instance, if a tribe is not administering a mental health program under its IHS compact or funding agreement, the Secretary may nonetheless acquire excess or surplus property and donate such property to the tribe so long as the Secretary determines that the tribe will be using the property to administer mental health services.

Title to property furnished by the government or purchased with funds received under a Compact or funding agreement vests in the Indian tribe if it so chooses. Such property also remains eligible for replacement, maintenance or improvement on the same terms as if the United States had title to it. Any

property that is worth $5,000 or more at the time of a retrocession, withdrawal or reassumption may revert back to the United States at the option of the Secretary.

(d) Matching or Cost-Participation Requirement. Funds transferred under Compacts and funding agreements are to be considered non-federal funds for purposes of meeting matching or cost participation requirements under federal or non-federal programs.

(e) State Facilitation. This section encourages and authorizes States to enter agreements with tribes supplementing and facilitating Title V and other federal laws that benefit Indians and Indian tribes, for example, welfare reform. It is designed to provide federal authority so as to remove equal protection objections where states enter into special arrangements with tribes.

The Committee wants to foster enlightened and productive partnerships between state and local governments, on the one hand, and Indian tribes on the other; and, the Committee wants to be sure that states are authorized by the Federal Government to undertake such initiatives, as part of the Federal Government's constitutional authority to deal with Indian tribes as political entities, irrespective of any limitations which have from time to time been argued might otherwise exist with respect to state action under either state constitutional provisions or other provisions of the Constitution. Many state and tribal governments have undertaken positive initiatives both in health care issues and in natural resource management, and it is the Committee's strong desire to fully support, authorize and encourage such cooperative efforts.

(f) Rules of Construction. Provisions in this Title and in Compacts and funding agreements shall be liberally construed and ambiguities decided for the benefit of the Indian tribe participating in the program.

SECTION 513. BUDGET REQUEST

(a) The President is required to annually identify in his/her budget all funds needed to fully fund all Title V Compacts and funding agreements. These funds are to be apportioned to the Indian Health Service which will then be transferred to the Office of Tribal Self-Governance. The IHS may not thereafter reduce the funds a tribe is otherwise entitled to receive whether or not such funds have been apportioned to the Office of Tribal Self-Governance.

The Committee has been made aware that the current system for payment and approval of funding and amendments for Annual Funding Agreements for Self-Governance Demonstration tribes is inefficient and time consuming. In addition, by leaving authority and responsibility for distributions to Area Offices, there have been reported instances of excessive and unwarranted assertion of authority by Area Offices over self governance tribes. This includes Area Offices retaining shares of funds not authorized to be retained by the tribe's Annual Funding Agreement. The Committee concludes that by requiring a report on Self Governance expenditures, and by moving all Self-Governance funding onto a single line, the Congress will be able to achieve the following ends: more accurately gauge the amount of funding flowing directly to Tribes through participation in Self governance; generate savings through decreasing the bureaucratic burden on the payment and approval process in the Indian Health Service; expedite the transferal of funding to tribal operating units; and, aid in the implementation of true government to government relations and tribal self determination.

(b) The budget must identify the present level of need and any shortfalls in funding for every Indian tribe in the United States that receives services directly from the Secretary, through a Title I contract or in a Title V Compact and funding agreement.

SECTION 514. REPORTS

(a) Annual Report. The Secretary is required to submit to Congress on January 1 of every year a written report on the Self-Governance program. The report is to include the level of need presently funded or unfunded for every Indian tribe in the United States that receives services directly from the Secretary, through a Title I contract or in a Title V Compact and funding agreement. The Secretary may not impose reporting requirements on Indian tribes unless specified in Title V.

(b) Contents. The Secretary's report must identify: (1) the costs and benefits of self-governance; (2) all funds related to the Secretary's provision of services and benefits to self-governance tribes and their members; (3) all funds transferred to self-governance tribes and the corresponding reduction in the federal bureaucracy; (4) the funding formula for individual tribal shares; (5) the amount expended by the Secretary during the preceding fiscal year to carry out inherent federal functions; and (6) contain a description of the method used to determine tribal shares. The Secretary's report must be distributed to Indian tribes for comment no less than 30 days prior to its submission to Congress and include the separate views of Indian tribes.

(c) Report on IHS Funds. This section requires the Secretary to consult with Indian tribes and report, within 180 days after Title V is enacted, on funding formulae used to determine tribal shares of funds controlled by IHS. The formulae are to become a part of the annual report to Congress discussed above in Section 514(d). This provision is not intended to relieve HHS from its obligation under Title V to make all funds controlled by the central office, national, headquarters or regional offices available to Indian tribes. This provision is also not intended to require reopening funding formulae that are already being used by HHS to distribute funds to Indian tribes. Any new formulae or revision of existing formulae should be determined only after significant regional and national tribal consultation.

SECTION 515. DISCLAIMERS

(a) No Funding Reduction. This provision states that nothing in Title V shall be interpreted to limit or reduce the funding for any program, project or activity that any other Indian tribe may receive under Title I or other applicable federal laws. A tribe that alleges that a Compact or funding agreement violates this section may rely on Section 110 of the Act to seek judicial review of the allegation.

(b) Federal Trust and Treaty Responsibilities. This section clarifies that the trust responsibility of the United States to Indian tribes and individual Indians which exists under treaties, Executive Orders, laws and court decisions shall not be reduced by any provision of Title V.

(c) Tribal Employment. This provision excludes Indian tribes carrying out responsibilities under a Compact or funding agreement from falling under the definition of "employer" as that term is used in the National Labor Regulations Act.

(d) Obligations of the United States. The IHS is prohibited from billing, or requiring Indian tribes from billing, individual Indians who have the economic means to pay for services. For many years the Interior and Related Agencies Appropriations Bills included language that prohibited the Indian Health Service, without explicit direction from Congress, from billing or charging Indians who have the economic means to pay. In 1997 the language was removed from the Appropriation bills and it has not been included since. This section reflects the Committee's intent that the IHS is prohibited from billing Indians for services, and is further prohibited from requiring any Indian tribe to do so.

SECTION 516. APPLICATION OF OTHER SECTIONS OF THE ACT

(a) This section expressly incorporates a number of provisions from other areas of the Indian Self-Determination and Education Assistance Act into Title V. These sections include: 5(b) (access for three years to tribal records), 6 (setting our penalties that apply if an individual embezzles or otherwise misappropriates funds under Title V); 7 (Davis-Bacon wage and labor standards and Indian preference requirements); 102(c) and (d) (relating to Federal Tort Claims Act coverage); 104 (relating to the right to use federal personnel to carry out responsibilities in a Compact or funding agreement); 105(k) (access to federal supplies); 111 (clarifying that Title V shall have no impact on existing sovereign immunity and the United States' trust responsibility); and section 314 Public Law No. 101–512 (coverage under the Federal Tort Claims Act).

(b) At the request of an Indian tribe, other provisions of Title I of the Indian Self-Determination Act which do not conflict with provisions in Title V may be incorporated into a Compact or funding agreement. If incorporation is requested during negotiations it will be considered effective immediately.

SECTION 517. REGULATIONS

This section gives the Secretary limited authority to promulgate regulations implementing Title V.

(a) In general. The Secretary is required to initiate procedures to negotiate and promulgate regulations necessary to carry out Title V within 90 days of enactment of Title V. The procedures must be developed under the Federal Advisory Committee Act. The Secretary is required to publish proposed regulations no later than one year after the date of enactment of Title V. The authority to promulgate final regulations under Title V expires 21 months after enactment. The Committee is aware of the success of the Title I negotiated rulemaking and believes that one reason for its success is a similar limitation of rulemaking authority contained in section 107(a) of the Indian Self-Determination Act, which this section is modeled after.

(b) Committee. This provision requires that a negotiated rulemaking committee made up of federal and tribal government members be formed in accordance with the Negotiated Rulemaking Act. A majority of the tribal committee members must be representatives of and must have been nominated by Indian tribes with Title V Compacts and funding agreements. The committee will confer with and allow representatives of Indian tribes, inter-tribal consortiums, tribal organizations and individual tribal members to actively participate in the rulemaking process.

(c) Adaptation of Procedures. The negotiated rulemaking procedures may be modified by the Secretary to ensure that the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes is accommodated.

(d) Effect. The effect of Title V shall not be limited if regulations are not published.

(e) Effect of Circulars, Policies, Manuals, Guidances and Rules. Unless an Indian tribe agrees otherwise in a Compact or funding agreement, no agency circulars, policies, manuals, guidances or rules adopted by the IHS apply to the tribe.

SECTION 518. APPEALS

In any appeal (including civil actions) involving a decision by the Secretary under Title V, the Secretary carries the burden of proof. To satisfy this burden the Secretary must establish by clear and convincing evidence the validity of the grounds for the decision made and that the decision is fully consistent with provisions and policies of Title V.

SECTION 519. AUTHORIZATION OF APPROPRIATIONS

This section authorizes Congress to appropriate such funds as are necessary to carry out Title V.

SECTION 601. DEMONSTRATION PROJECT FEASIBILITY

This provision requires an 18 month study to determine the feasibility of creating a Tribal Self-Governance Demonstration Project for other agencies, programs and services in the Department of Health and Human Services.

(a) Study. This subsection authorizes the feasibility study.

(b) Considerations. This subsection requires the Secretary to consider (1) the effects of a Demonstration Project on specific programs and beneficiaries, (2) statutory, regulatory or other impediments, (3) strategies for implementing the Demonstration Project, (4) associated costs or savings, (5) methods to assure Demonstration Project quality and accountability, and (6) such other issues that may be raised during the consultation process.

(c) Report. This subsection provides that the Secretary is to submit a report to Congress on the results of the study, which programs and agencies are feasible to be included in a Demonstration Project, which programs would not require statutory changes or regulatory waivers, a list of legislative recommendations for programs that are feasible but would require statutory changes, and any separate views of Indian tribes or other entities involved in the consultation process.

The Committee has deferred to the Secretary's request not to provide for a demonstration or pilot project component to the Feasibility Study to determine how to best apply Self-Governance to agencies other than the Indian Health Service at HHS. The Secretary has pledged to work in a cooperative spirit with the Indian tribes to quickly identify those programs outside the IHS that are suitable for Self-Governance. The Committee believes that there are agencies and programs outside of the IHS that should be ready to participate in the Self-Governance program at the conclusion of the study and anticipates the introduction of legislation at that time to authorize such participation.

SECTION 602. CONSULTATION

(a) Study Protocol. This Provision requires the Secretary to consult with Indian tribes to determine a protocol for conducting the study. The protocol shall require that the government-to-government relationship between the United States and the Indian tribes forms the basis for the study, that consultations are jointly conducted by the tribes and the Secretary, and that the consultation process allow for input from Indian tribes and other entities who wish to comment.

(b) Conducting Study. This provision requires that when the Secretary conducts the study, she is to consult with Indian tribes, states, counties, municipalities, program beneficiaries, and interested public interest groups.

SECTION 603. DEFINITIONS

(a) This subsection is intended to incorporate into Title VI the definitions used in Title V.

(b) This subsection defines "agency" to mean any agency in the Department of Health and Human Services other than the Indian Health Service.

SECTION 604. AUTHORIZATION OF APPROPRIATIONS

This section authorizes the appropriation of such sums as necessary for fiscal years 1999 and 2000 in order to carry out Title VI.

SECTION 5. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS

(a) This provision amends Section 102(e)(1) of the Act to clarify that the Secretary has the burden of proof in any civil action pursuant to Section 110(a).

(b) The provision provides that the amendment to Section 102(e)(1) set out subsection (a) shall apply to any proceeding commenced after October 25, 1994.

SECTION 6. SPEEDY ACQUISITION OF GOODS AND SERVICES

This section requires the Secretary to enter into agreements for acquisition of goods and services for tribes, including pharmaceuticals at the best price and in as fast a manner as is possible, similar to those obtained buy agreement by the Veterans Administration.

SECTION 7. PATIENT RECORDS

This section provides that Indian patient records may be deemed to be federal records under the Federal Records Acts in order to allow tribes to store patient records in the Federal Records Center.

SECTION 8. REPEALS

This Section repeals Title III of the Indian Self-Determination and Education Assistance Act which authorizes the Demonstration Project replaced by this Act.

SECTION 9. SAVINGS PROVISION

This section provides that funds already appropriated for Title III of the Indian Self-Determination and Education Assistance Act shall remain available for use under the new Title V.

SECTION 10. EFFECTIVE DATE

This section provides that the Act shall take effect on the date of enactment.

LOUISE EPPERSON TO CELEBRATE HER 90TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in recognizing a very special person who will be honored at her 90th birthday celebration later this month, Ms. Louise Epperson.

Friends and family will gather at Clinton Avenue Presbyterian Church in Newark, New Jersey to pay tribute to this woman who has given so much to our community. I feel fortunate to have forged a friendship with Ms. Epperson, whom I have come to know as a wonderful, caring person and tireless community activist. Her character and concern for those around her are summed up in the words she holds as her motto and her mission: "To make my life a source of inspiration to others, and a part of tomorrow's history. Never to look down on anyone unless it is to give them a hand to lift them up."

Among her many accomplishments, Ms. Epperson was named Auxilian of the New Year for her 25 years of service to the University of Medicine and Dentistry of New Jersey's University Hospital Auxiliary. This award honored Ms. Epperson as an individual who demonstrated outstanding leadership skills, worked to improve the health of the community and contributed to the advancement of the hospital and its auxiliary. A champion of health issues in her Central Ward neighborhood, Ms. Epperson took up the cause of patient advocacy in her role as patient ombudsman at Martland, which is now called University Hospital, over two decades ago. She became a founding member of the Martland Hospital Auxiliary, where she put innovative ideas into action. Among the programs the auxiliary sponsored were a lead poisoning awareness program in local grammar schools, a "Careermobile" which traveled to local high schools to educate young people about health care careers, the purchase of a van to transport patients to the hospital for outpatient services, nurse education programs, and furnishing a pediatric playroom and a bereavement room. In 1998, she was honored by the city and inducted into the Newark's Women Hall of Fame.

Ms. Epperson is an inspiration to us all as she continues to remain active in numerous organizations, including the Newark Senior Citizens Commission, the Newark Affirmative Action Committee, the Black Presbyterians United, Golden Heritage, the NAACP, and the League of Women Voters. Mr. Speaker, I know my colleagues here in Congress join me in wishing Ms. Epperson a happy birthday and continued success and happiness.

THE MEDICARE NURSING AND PARAMEDICAL EDUCATION ACT OF 1998

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicare Nursing and Paramedical Education Act of 1998, to ensure that our nation continues to invest in the training of nurses and allied health professionals even as our health care system makes its transition to the increased use of managed care. I am pleased that several colleagues are joining me as original co-sponsors to this initiative, including Reps. CRANE, GANSKE, CARDIN, RANGEL, STARK, and JEFFERSON.

This legislation would provide guaranteed federal funding for nursing and paramedical

education and help ensure that our nation continues to train enough nurses and other health care providers during this transition to managed care. Without such a guarantee, I am concerned that the availability and quality of medical care in our country would be at risk.

Teaching hospitals have a different mission and caseload than other hospitals. These hospitals are teaching centers where reimbursements for treating patients must pay for the cost not only of patient care, but also for medical education including nursing and paramedical education. In the past, teaching hospitals were able to subsidize the cost of medical education through higher reimbursements from private and public health insurance programs. With the introduction of managed care, these subsidies are being reduced and eliminated.

Under current law, the Medicare program provides payments to teaching hospitals for nursing and paramedical education. These Medicare payments pay a portion of the costs associated with the required classroom and clinical training.

As more Medicare beneficiaries enroll in managed care plans, payments for nursing and paramedical education are reduced in two ways. First, many managed care patients no longer seek services from teaching hospitals because their plans do not allow it. Second, payments are cut because the formula for these payments is based on the number of traditional, fee-for-service Medicare patients served at these hospitals. When fewer patients visit hospitals, these pass-through payments are reduced.

In 1995, Medicare provided $253 million for a portion of the costs associated with the allied health and nursing education. This payment represents 37 percent of the total costs of operating these programs at 731 hospitals nationwide. According to a recent Lewin Group estimate, allied health and nursing education pass-through programs would be reduced by $80 million in 2002 from current levels because of fewer Medicare beneficiaries utilizing teaching institutions. This year, for example, Methodist Hospital in Houston estimates that it would lose $71,871 because Medicare managed care patients are not seeking services from them. Clearly, we need to correct this inequity.

As the representative for the Texas Medical Center, home of two medical schools, three nursing programs, and several paramedical programs, I have seen firsthand the invaluable role of medical education in our health care system and the stresses being placed on it today. For instance, Methodist Hospital provides training for 825 students in its nursing, allied health, physical and occupational therapy, respiratory therapy, laboratory technology, and pharmacy programs. I am concerned that without sufficient Medicare support that these programs would be jeopardized.

The Balanced Budget Act of 1997 included a provision, similar to legislation I introduced, to ensure that Medicare managed care health plans contribute to the cost of graduate medical education at teaching and research hospitals. This law carves out a portion of the Adjusted Average Per Capita Cost (AAPCC) payment to Medicare managed care plans and transfers this funding directly to teaching hospitals to help pay the costs of graduate medical education. This law provides $5 billion for physician medical education over five years. However, the law did not require Medicare managed care health plans to provide similar funding for nursing and allied health professional programs. My legislation would correct this omission by extending the provisions of the Balanced Budget Act to require Medicare managed care plans to contribute a portion of their AAPCC payment to teaching institutions which provide nursing and allied health professional education. All health care consumers, including those in Medicare managed care plans, benefit from this training and should contribute equally towards this goal.

Our nation's medical education programs are the best in the world. Maintaining this excellence requires continued investment by the federal government. Our teaching hospitals need and deserve the resources to meet the challenge of our aging population and our changing health care marketplace. This legislation would ensure that our nation continues to have the health care professionals we need to provide quality health care services in the future.

I also believe that this legislation is fiscally responsible. This legislation has no budgetary impact, because a portion of the payment to managed care plans would simply be shifted to these teaching institutions.

I urge my colleagues to support this effort to provide guaranteed funding for nursing and allied health professional education.

PUT PARTISANSHIP ASIDE

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. McCARTHY. Mr. Speaker, I rise today to stress the importance of the work that this Congress needs to complete before we adjourn. We will be making a momentous decision today, and each one of us must reflect carefully on that decision. However, we also have several critical issues still facing us, and we must focus on these concerns and fulfill our responsibility to the American people.

We must pass a budget. Tomorrow marks the last day of the continuing resolution signed by the President. We are facing the threat of a government shutdown. As we all know, a government shutdown means no veteran benefits, Social Security benefits, or student loan funds.

The American people deserve access to excellent and affordable health care. If people do not have good medical care, they may suffer severe consequences, and sometimes, even death. I urge the House leadership to work with my Democratic colleagues to find a solution to the managed care dilemma.

We must protect Social Security first and ensure the financial security of our retirees now and into the future. We must resist the temptation to use Social Security funds for anything but the long-term solvency of this important, successful, and needed program.

Again, I urge my colleagues on both sides of the aisle to put partisanship aside and work together to complete the work that we have to do. The American people elected us to this body to serve in their best interest and uphold the principles of democracy. Let us break down the wall that exists in the aisle of this hall and work together to address the issues before us.

IN HONOR OF MAJOR THOMAS CARR

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great sadness and a deep sense of pride, that I rise today to honor Major Thomas Carr, a native of Erie, Pennsylvania. Major Carr lost his life on September 12, 1998, during an Air Force attack training mission when his F–16D jet went down over the Avon Bombing Range in Florida.

Major Thomas Carr, 37, a United States Air Force Reservist, set a positive example for all of us. As his Meritorious Service Medal Citation states, "He sacrificed his life in the defense of his nation, and in the name of freedom." Major Carr, a widely respected officer, set high standards and inspired those who had the privilege of knowing him.

Major Carr developed his love of flying as a child at his first Erie Air Show. As an Air Force aviator, he understood and accepted the risks associated with flying planes. Living life to the fullest, he moved effortlessly from riding a dirt bike and waterskiing to flying F–16D jets for the Air Force.

Major Carr had over 12 years of Air Force service—eight years of active duty and four years of reserve duty. In his military career, he had been stationed in Korea, the Persian Gulf, Italy, Iraq, and Bosnia, flying several missions around the world. In fact, earlier this year, he had flown missions over Iraq during Operation Northern Watch.

Major Thomas Carr received numerous awards for his performance as a pilot from the Air Force. Major Carr was awarded the Air Force Meritorious Service Medal, which was presented to his family posthumously. He was best described as "the epitome of a fighter pilot." Mr. Speaker, I have enclosed the citation that accompanied this award and ask that it be inserted in the RECORD.

Major Carr was a 1979 Erie Tech Memorial High School graduate. He graduated from Clemson University with a degree in electrical engineering in 1984. He was a graduate of the Air Force's elite Fighter Weapons School. He was also a pilot for American Airlines based out of Miami, Florida.

Major Carr is survived by his wife, Karen; sister Kathy Rozantz; and his parents, Tom and June Carr of Erie, Pennsylvania. Our thoughts and prayers go out to Major Carr's family and friends.

CITATION TO ACCOMPANY THE AWARD OF THE MERITORIOUS SERVICE MEDAL (POSTHUMOUS) TO THOMAS M. CARR

Major Thomas M. Carr distinguished himself in the performance of outstanding service to the United States while assigned to

the 93rd Fighter Squadron, Homestead Air Reserve Station, Florida, from 21 August 1995 to 12 September 1998. During this period, the outstanding professional skill, leadership and ceaseless efforts of Major Carr facilitated two major overseas deployments, three live weapons deployments, one Operational Readiness Inspection and an expeditious conversion from the F-16A to the F-16C aircraft. As the Squadron Weapons Officer, Major Carr continually pushed his unit's readiness higher through comprehensive academic and aerial instruction. Hand-picked for the United States Air Force Weapons School, he was praised by his commander for his outstanding leadership as senior ranking officer and role model for his class. His extensive efforts in preparation for the unit's combat deployments in support of Operation Northern Watch ensured the success of this highly visible major contingency reflected a distinctively genuine concern for his fellow warriors and he established the standard for all of those who selflessly dedicate their lives in the service of the United States Air Force. Major Carr was the epitome of the citizen airman. His career reflected a distinctively genuine concern for his fellow warriors and he established the standard for all of those who selflessly dedicate their lives in the service of the United States Air Force. Major Carr upheld the finest qualities and the highest traditions of a combat aviator. He sacrificed his life in the defense of his nation, and in the name of freedom.

THE TALIBAN: PROTECTORS OF TERRORISTS, PRODUCERS OF DRUGS, H. CON. RES. 336

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GILMAN. Mr. Speaker, today I am introducing H. Con. Res. 336, legislation condemning the Taliban regime and supporting a broad based government in Afghanistan.

The attacks on our embassies in Nairobi and Dar es-Salaam that left 254 dead including 12 Americans and over 5,000 injured reflect the failure of U.S. policymakers to confront a new kind of warfare and a new kind of adversary, one that draws its power from a convergence of the destructive tactics of international terrorism and radical Muslim extremism with one of the world's largest heroin empires.

This is a war, not between Islam and the United States, but between a small but growing army of religious fanatics who want to undermine the West and radicalize the Islamic world by overthrowing moderate Islamic governments.

We are in this predicament because the Clinton administration has failed to distinguish between those who are devout Muslims and those who use Islam as a rallying point to attack both the West and those who do not subscribe to their interpretation of the Koran.

Perhaps the most dangerous example of this lack of distinction is found in the administration's attitude toward the Taliban regime of Afghanistan, the principal protectors of Osama bin Ladin.

As the Taliban has extended its sway over Afghanistan, it has grown increasingly extremist and anti-Western, its leaders proclaiming that virtually every aspect of Western culture violates their version of Islam.

In addition to restrictions against women, such as barring them from holding jobs or traveling unaccompanied by a male relative, ancient and cruel forms of punishment, such as stoning have been revived. There are reports of massive ethnic killings and starvation. The evolution of the Taliban bears a fearsome resemblance to the murderously fanatical and purist Pol Pot regime in Cambodia.

Moreover, under the Taliban, Afghanistan has become perhaps the world's largest producer of heroin. The Taliban are involved at every level of activity, from licensing and taxing poppy cultivation to expanding new refining facilities to controlling transportation and distribution.

Disturbingly, Taliban leaders, who have made narcotics the economic base of their regime, view the drug trade itself as a potential weapon. Viewing the West and many pro-Western countries in the Muslim world as corrupt, the Taliban have no compunction about trafficking in narcotics.

The new threat to the West is that these drugs are now financing activities of anti-western fanatics who view terrorism as an effective means to further their aims.

Another key reason for the numerous terrorist training camps that have sprung up in the Taliban controlled areas of Afghanistan, in addition to bin Ladin's, has been the benign posture of neighboring Pakistan.

Islamabad has not only countenanced the Afghan terrorist training camps, it has also provided crucial diplomatic support for the Taliban. They have done so out of interest in agitation by Muslim extremists in the disputed Indian territory of Kashmir, and in hopes that the Taliban, after gaining control throughout Afghanistan, will be dependent on Pakistan, thus providing not only strategic depth in the region, but a corridor to the important energy reserves of Central Asia.

Regrettably, the Clinton administration has consistently underestimated the stakes in this situation, particularly in taking its cue from Pakistan on dealing with the Taliban. Even after the U.S. attack on the terrorist camps in Afghanistan, it was reported that administration officials believed they could negotiate with the Taliban for bin Ladin's extradition. If dialogue with the Taliban over bin Ladin exemplifies the basic strategy for confronting this new terrorist threat, we are in serious trouble.

Bin Ladin is only the tip of the iceberg and removing him will not end the threat the U.S. faces from Muslim terrorist extremists of his stripe. Regrettably, the administration has not understood that the fate of Afghanistan cannot be permitted to rest in the hands of the Taliban and their supporters in Pakistan and elsewhere.

For the Taliban's divinely mandated war has no borders and they will not stop with the conquest of Afghanistan. The head of the Taliban has donned the cloak of the Prophet Mohammed and proclaimed himself "Commander of the Faithful," a claim of suzerainty over all Muslims in the region, and a challenge to every government there.

It should be no surprise that, with the advent of the Taliban, Tajikistan and Uzbekistan have invited Russian forces to help protect their southern borders and Iran has assembled 70,000 troops or more on its border with Afghanistan.

Moreover, recent events in Pakistan clearly demonstrate that the fundamentalists there, encouraged by the Taliban successes, have leveraged considerable power over the government.

President Nawaz Sharif recently declared that Pakistan will become a Shariat state, confirming that the radical message of the Taliban is spreading to Pakistan's political structure. Fundamentalists are gaining an upper hand—and Pakistan has the bomb.

It is time for U.S. policymakers to stop taking its lead from Islamabad and to bolster relationships with the Muslim states of Central Asia, as well as other important states in the region, such as India, and begin to realistically confront the danger that the Taliban present, not only to the West, but to other Muslim governments that do not share their extremist ideology.

H. Con. Res. 336 outlines this serious U.S. foreign policy failure and attempts to correct the administration's deficiencies in this regard. Accordingly, I urge my colleagues to support H. Con. Res. 336. I request that the full text of H. Con. Res. 336 to be printed in the RECORD at this point.

H. CON. RES. 336

Whereas the military defeat of the Soviet Union in Afghanistan, in which more than 1,000,000 Afghans lost their lives, was a key contribution to the ending of the Cold War;

Whereas upon the Soviet Union's withdrawal from Afghanistan, the United States generally lost interest in the region and Afghanistan's neighbors became more influential inside Afghanistan, and the various Afghan factions were thus unable to form a broad-based and representative national government;

Whereas in October 1994 a new force called the Taliban emerged in Afghanistan, pledging itself to establish a true Islamic government, disarm all other factions, eliminate narcotics cultivation, establish law and order, and restore peace;

Whereas since 1994 the Taliban movement has, often through force and terror, continued to expand its domination of more and more territory within Afghanistan, while the movement itself has become more and more militant and extreme in its actions and its interpretation of Islamic principles;

Whereas the Taliban movement, especially key members of its leadership, has become increasingly associated and deeply involved with individuals and groups involved in international terrorism, including, but not limited to, Osama bin Ladin, who was responsible for the August 1998 attacks on United States embassies in Kenya and Tanzania;

Whereas those terrorist elements with which the Taliban are associated are not only focused on separatist activities in Kashmir but also significantly involved in anti-Western and anti-American terrorist activities;

Whereas over 95 percent of heroin produced in Afghanistan is from areas controlled by the Taliban and some large portion of that heroin is sold on America's streets and, in

spite of United Nations crop substitution program in Taliban areas, poppy cultivation and heroin trafficking have increased dramatically;

Whereas linkages have been established between Afghanistan and terrorists who were involved in the World Trade Center bombing, the murder of Central Intelligence Agency personnel in Langley, Virginia, and the recent bombings of United States embassies in Kenya and Tanzania;

Whereas the inter-Afghan dialogue initiative began in early 1997 and has successfully held 3 major meetings, concluding its last gathering of approximately 200 Afghans in Bonn, Germany, in July 1998;

Whereas the United States launched a limited attack against terrorist bases in Taliban-controlled Afghanistan on August 20, 1998;

Whereas the Taliban rule by fear and terror and systematically abuse the rights of all Afghans, especially women, and are intolerant to non-Sunni Muslim believers, especially Hazara, many of whom are Shiite Muslims;

Whereas the Government of Pakistan has been a vigorous defender of the Taliban's activities and tens of thousands of Pakistani Taliban have linked up with Afghan Taliban creating a transborder movement with growing influence inside Pakistan;

Whereas reports of the persecution of Christians, Shiites, and other religious minorities inside Pakistan are a growing concern to Congress;

Whereas the Central Asian States, especially Uzbekistan and Tajikistan, in addition to Russia and Iran have voiced alarm at the fall of northern areas of Afghanistan, where there has been almost no narcotics cultivation and where all the major groups have been interested in strong and close relations with the United States;

Whereas it is widely accepted in the region that the United States Department of State, and consequently the United States Government, supports the Taliban;

Whereas Congress has repeatedly condemned the activities of the Taliban regime and urged more vigorous support for efforts to form a broad-based government based on the inter-Afghan dialogue initiative, several of whose members have been executed by the Taliban for no apparent crime; and

Whereas there needs to be a fundamental reappraisal of overall United States policy toward Afghanistan and its neighbors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House of Representatives and the Senate that—

(1) the United States should publicly condemn the Taliban regime for its reprehensible atrocities against human rights, in particular women's rights, its embrace of international terrorism, and its willing integration into a worldwide narcotics syndicate;

(2) the United States should recognize that it will be better served by a comprehensive regional strategy that addresses Afghan issues rather than its current one that relies primarily on Pakistan;

(3) the United States should explore its mutual interest regarding the danger of the Taliban with other countries of the region;

(4) the United States should not grant diplomatic recognition to the Taliban or assist in any way its recognition in the United Nations but rather should support the inter-Afghan dialogue efforts to form a truly representative broad-based government;

(5) the Department of Defense should conduct a vulnerability assessment of the Taliban regime;

(6) the United States should work to initiate through the United Nations Security Council a ban on all international commercial air travel to and from Taliban controlled Afghanistan;

(7) the United States should call on the Taliban regime to permit humanitarian supplies to be delivered without interference to all regions of Afghanistan;

(8) the United States should consider those Afghans, especially known friends of the United States, fleeing political persecution from the Taliban regime to be refugees eligible for consideration for asylum;

(9) the Department of State should urge the Islamic Republic of Pakistan to protect the rights of Christians and Shiite Muslims in Pakistan and should publish a special report to Congress on the human rights situation in Pakistan, especially as it affects religious minorities; and

(10) the Department of State should report to the Congress concerning whether the Taliban, which provides a safe haven for Osama bin Laden and other terrorist organizations as well as illicit drug monies which assist these terrorists, should be added to the list of designated foreign terrorist organizations.

AMERICAN INSTITUTE OF IRANIAN STUDIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a short statement by the Council of American Overseas Research Centers about efforts of the American Institute of Iranian Studies efforts to reestablish contacts with Iran as one in a series of good initiatives to expand exchanges with Iran.

This past summer two professors from the University of Pennsylvania took nine American students to Iran for close to three months. USIA covered travel expenses, but the Iranian Ministry of Culture and Higher Education covered local costs in Tehran. The American Institute of Iranian Studies which was founded more than 30 years ago anticipates further such exchanges in an effort to help reestablish a more permanent presence in Iran.

The statement of the American Council follows:

AMERICAN INSTITUTE OF IRANIAN STUDIES: ACTIVITIES IN TEHRAN

Following signals from Iran earlier this year indicating a willingness to conduct a dialogue at non-governmental levels, the American Institute of Iranian Studies (AIIrS) has taken steps to reestablish its presence in Iran and to launch programs which support Iranian studies in the United States and contribute to easing tension and facilitating communication between the United States and Iran. A summer language and research program for American graduate students was successfully completed last month and discussions culminated in agreement on a framework for continuing direct dialogue in both Iran and United States, and collaboration in the promotion of research on Iranian civilization.

The American Institute of Iranian Studies was founded in 1967 as a consortium of American universities and museums having an interest in Iranian Studies. It functioned as an American overseas research organization, representing Iranian studies at the institutional level and maintaining a center in Tehran with a resident American scholar as director. The Tehran center was closed in 1979 for political reasons but the organization has remained active since then. For the past nineteen years, AIIrS has worked to support and strengthen the field of Iranian studies in the U.S. by awarding fellowships to help graduate students complete their dissertations. Its current membership consists of fifteen American universities and museums.

In the spring of 1998, officers of the AIIrS, Profs. William L. Hanaway and Brian Spooner of the University of Pennsylvania, worked with the Permanent Mission of the Islamic Republic of Iran to the United Nations to develop an intensive summer program in Iran for advanced American graduate students. Nine students from the Universities of Texas, Washington, Michigan and California at Los Angeles, the University of Chicago, Tufts University, Harvard University, and Washington University St. Louis, were chosen from over thirty applicants to attend a two-month summer language and research program administered by the International Center for Persian Studies in Tehran.

The nine students—five women and four men—were briefed in New York by the UN Mission and AIIrS and subsequently spent nine weeks in Tehran attending language classes and carrying out first-hand research relevant to their doctoral dissertation topics which range from historical subjects to studies of Iranian law and society, nationalism and ethnic conflict, and business issues. Most of the students returned to their home universities in early September, although one woman remains in Tehran with the concurrence of the University to pursue further language study. The students were warmly treated by their hosts and the Iranian general public and traveled freely throughout the country with no restrictions or untoward incidents.

The Iranian Ministry of Culture and Higher Education covered all local costs in Tehran. A grant of $30,000 from the United States Information Agency (USIA) enabled AIIrS to cover the cost of international travel for the students, Hanaway, and Spooner, and to arrange a briefing in New York for the students before their departure. This financial support from the U.S. government was an important factor in the program's success. Hanaway and Spooner kept officials at USIA and the U.S. Department of State aware of all aspects of the program and received support and constructive advice at all stages.

Hanaway and Spooner were also able to begin negotiations with Iranian scholars and officials which should lead to greater cooperation between scholars in both countries. Within the framework for dialogue, exchange, and collaboration just established, AIIrS expects very soon to send the first of a series of American research fellows, continue advanced language training, launch

scholarly exchanges between American and Iranian scholars, serve as a resource in the U.S. for Iranian scholars, and continue dialogue with the Ministry of Culture and Higher Education in Tehran. Through academic non-political programs, AIIrS will work to improve relations between American and Iranian scholars and thereby contribute to improved relations between the two countries.

Submitted by Dr. Mary Ellen Lane, Executive Director, Council of American Overseas Research Centers, Smithsonian Institution, Washington, DC.

IN HONOR OF CLEVELAND CENTRAL CATHOLIC HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to Cleveland Central Catholic High School (CCC) in Celebrating its 30th anniversary. From its opening in 1969, it has continuously honored its mission to provide an innovative educational opportunity to the students of the greater Cleveland area.

The brainchild of Rev. John L. Fiala, this high school originated as a merger of four deeply rooted neighborhood Catholic high schools, Saint John Cantius, Saint Stanislaus, Our Lady of Lourdes and Saint Michael. His hard work resulted in a campus where each building retained its own identity while changing its educational curriculum to fit the plan of the merger. The buildings were renovated to house many structural changes, with labs and specialty rooms on each campus. Reverend Fiala fashioned an affordable high school experience for the 1,600 students who attended Cleveland Central Catholic while providing them with excellent faculty and staff.

Once the merger was established, the school began to expand and improve its programs, becoming a forerunner in education. It initiated the first State approved 3-year program in Ohio and instituted block scheduling, a concept that has been heralded to catapult education into the year 2000. Much of the school's success has occurred due to the unconditional support from the CCC Parents Club, the Booster Club, and the ongoing dedication of the faculty.

Even though the academics have focused toward a more traditional role at CCC, there have been a number of evident changes. Advances in technology have brought the installation of computer labs and extensive staff training, access to the Internet, a video-conferencing lab, and integrated math and post secondary option programs.

My fellow colleagues, please join me in celebrating the 30th anniversary of Cleveland Central Catholic High School. This institution provides a needed stability for the students who come through its doors. It has remained a unique educational experience that is sure to become even better in years to come.

IN MEMORY OF MAYOR TOM BRADLEY

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MARTINEZ. Mr. Speaker, I rise tonight to salute the life of Mayor Tom Bradley—a great American and great Angelino.

He was a pioneer and a peacemaker. He was tenacious and compassionate. He was a coalition builder who fought for Justice and racial tolerance. Tom Bradley was truly a remarkable man whose historic, 20-year leadership of Los Angeles left an indelible mark on our lives.

It is indeed a testament to the strength of his character and to our democracy that the grandson of a slave, and son of a sharecropper, could end up as the first African-American mayor of the Nation's second largest city. Before reaching the pinnacle of political power in Los Angeles, Bradley's career was as varied as the city he would later represent. In 1940, Tom Bradley began his career as a Los Angeles police officer and became a lieutenant—no small task in an era of segregation. In 1956, he earned his law degree from Southwestern Law School. Five years later, he left the force to practice law. He launched his political career in 1963 when he won a seat on the City Council. Ten years later, Tom Bradley was elected mayor.

During his leadership of the city, minorities and women were brought into city government in record numbers. He transformed L.A. into a bustling metropolis. It was under his mayoral tenure that Los Angeles emerged as a national transportation hub and financial center that it is today.

Mayor Bradley made a difference in the lives of Angelinos. His legacy is firmly established. The city is a far better place because of the political leadership and contributions of this immensely talented and courageous man.

God bless you Tom Bradley.

REDEDICATION OF CLAY MEMORIAL STADIUM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize the administration, faculty, staff, students and families of Clay High School in Oregon, Ohio. On October 9, 1998, the Clay High School community will rededicate the Clay Memorial Stadium.

In December, 1941, our nation entered the greatest conflict in human history. Young people from all walks of life served in our armed forces. Many soldiers, sailors, airmen and marines came from the Oregon, Ohio, area and served with honor and distinction as we freed the world of Axis terror and facism. Some of these young people never returned. They gave their lives for freedom with the hope that our nation and their community would always cherish the gifts that America offers.

It was in this spirit that the Oregon, Ohio, community dedicated the Clay Memorial Stadium, in 1948, to the young men and women who gave their lives in defense of liberty. This year marks the 50th Anniversary of the stadium. The Clay High School family and the Oregon community at large are now embarking on a renovation project to make the stadium's World War II memorial the focus of the facility. The community also plans to add memorials to those who served in Korea, Vietnam and the Gulf War. The renovated stadium promises to be a renewed memorial to those who have made the supreme sacrifice and a symbol of youth and hope as we enter the 21st Century.

Mr. Speaker, as the Congressional author of legislation to create a national World War II Memorial it gives me much pride to represent the ctiizens of Oregon, Ohio in this great House. They and the nation will never forget the sacrifice of the millions of men and women who gave their lives to freedom in the victory over tyranny that defined world history for the 20th century.

Our community extends warm appreciation to the citizens of Oregon, Ohio as they rededicate the Clay Memorial Stadium.

A TRIBUTE TO THE GREATER PATCHOGUE CHAMBER OF COMMERCE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to ask my colleagues to join me in congratulating the Greater Patchogue Chamber of Commerce, as the business owners and residents of this historic South Shore, Long Island community celebrate the Chamber's 75th anniversary.

Born in the days when many residents of this beautiful, seaside village still earned their living on the waters of the Great South Bay, raking clams and oysters from the sand. As the main center of commerce on the South Shore of Suffolk County, Patchogue boasted a thriving Main Street business district. Still, many understood the need to coordinate their efforts to promote the goods and services of Patchogue's merchants. On February 8, 1924, the Long Island Advance editorial page advocated the creation of a Chamber of Commerce to market Patchogue to consumers across Long Island. A month later, the Chamber held its first meeting.

The members of the Greater Patchogue Chamber of Commerce are accomplished business, education and civic leaders who are dedicated to the success of this historic Long Island village. For the past 75 years, the great citizens have built a lasting legacy, giving of their time, talents and treasures to make our community a better place to live, work and raise a family.

The Greater Patchogue Chamber of Commerce organizes many community-building activities, from the Christmas Tree lighting and Holiday Party to the Annual Clam and Crab Festival and St. Patrick's Day parade.

Throughout the year, the Chamber organizes several creative marketing promotions, in an effort to draw shoppers and tourists into Patchogue's historic downtown and water front areas. Their spirited and creative efforts helped Patchogue weather tough times in the local economy and helped the Village maintain its status as the premier shopping area in Suffolk.

Anniversaries are a time to reflect upon the past and to look toward new horizons. Therefore, Mr. Speaker, I ask you and my colleagues to join me in commemorating the 75th anniversary of the Greater Patchogue Chamber of Commerce. All of us who are about our Long Island home thank each of the members of the Chamber for all they have done to make Patchogue such a great place to live and shop.

PRESIDENT LEE TENG-HUI AND THE NOBEL PEACE PRIZE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SOLOMON. Mr. Speaker, President Lee Teng-hui of the Republic of China has been named as one of four nominees for the 1998 Nobel Peace Prize. This is not only an honor for President Lee himself, but also a direct acknowledgment of his contributions to Taiwan and the world.

In the past ten years, President Lee has successfully presided over a "quiet revolution" in Taiwan. Taiwan has emerged from its authoritarian past to become a free and prosperous country. Taiwan is the world's fourteenth largest economy and has an annual per capital income of $12,000, forty times that of mainland China.

Long ostracized from regional organizations, Taiwan is now active in the Asian Development Bank and has joined the Asia-Pacific Economic Cooperation group. On the political front, the parliament has been overhauled; several major political parties have developed; restrictions on the press have been lifted; and people have the right to demonstrate and protest against government policies.

President Lee is a voice for peace in the evolving relationship between Taiwan and the Chinese mainland. He has repeatedly urged his counterparts in Beijing to sit down and discuss all issues regarding the eventual reunification of Taiwan and the mainland.

President Lee's dream is to see a new China, a country that is free, democratic, and prosperous. In the meantime, he has rejected the "one country, two systems" arrangement suggested by the communists on the mainland. The fact is that China is divided and has two governments, just as Germany and Vietnam were divided in the past and Korea is still today.

No one can doubt President Lee's genuine desire to see a reunified China. Meanwhile, let's give him our support and wish him success in winning the Nobel Peace Prize and the hearts and minds of his counterparts in Beijing.

A reunified China under the principles of freedom, democracy, and human rights is the dream of all Chinese people. And that, incidentally, is my dream for them as well, as the people on Taiwan prepare to celebrate their National Day on Saturday.

MULTIPLE CHEMICAL SENSITIVITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf war veterans.

Multiple Chemical Sensitivity or MCS is a chronic condition marked by heightened sensitivity to multiple different chemicals and other irritants at or below previously tolerated levels of exposure. Sensitivity to odors is often accompanied by food and drug intolerance, sensitivity to sunlight and other sensory abnormalities, such as hypersensitivity to touch, heat and-or cold, and loud noises. MCS is often accompanied by impaired balance, memory and concentration.

As a member of the Human Resources Subcommittee, which has oversight jurisdiction for the Veterans' Affairs, I have been involved in the issue of Gulf war illness and Multiple Chemical Sensitivity. I have been concerned for many years about the role that chemicals may be playing on human health, not only in Gulf war veterans and their families, but in civilian society as well. I have talked to many people who are suffering symptoms not dissimilar from the symptoms that our Persian Gulf veterans are experiencing because of chemicals in their homes or workplaces.

As has been well-documented, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of pesticides, depleted uranium and burning oil wells. In addition, they were given a myriad of pharmaceuticals as vaccines. Further, and perhaps most importantly, as a result of a waiver from the FDA, hundreds of thousands of troops were given pyridostigmine bromide. Pyridostigmine bromide, which was being used as an anti-nerve agent, had never been used in this capacity before. In the midst of all this, our troops were living in a hot, unpleasant climate and were under very great stress.

The Department of Defense and the Department of Veterans Affairs have downplayed the presence of Multiple Chemical Sensitivity in Gulf war veterans. In the very beginning, the Defense Department and Veterans' Affairs actually denied that there was any problem whatsoever with our veterans' health. Then, after finally acknowledging that there was a problem, they concluded that the problem was in the heads of our soldiers—of psychological origin. The DOD and the VA responded very poorly to our veterans' concerns. Tragically, our veterans were discounted. They were called malingerers.

Ever so slowly, the truth about chemical exposure in the Persian Gulf has begun to surface. On July 24, 1997, the Defense Department and the Central Intelligence Agency gave us their best estimate—that as many as 98,910 American troops could have been exposed to chemical warfare agents due to destruction of "the Pit" in Khamisiyah, an Iraqi munitions facility.

Not waiting for the DOD and VA, many other Federal, State, and local government agencies have recognized the existence of Multiple Chemical Sensitivity. I want to submit for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. Federal, State, and local government authorities, U.S. Federal and State courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and-or published documents recognizing Multiple Chemical Sensitivity disorders.

RECOGNITION OF MULTIPLE CHEMICAL SENSITIVITY

Multiple Chemical Sensitivity or MCS is a chronic condition marked by heightened sensitivity to multiple different chemicals and other irritants at or below previously tolerated levels of exposure. Sensitivity to odors is often accompanied by food and drug intolerances, photosensitivity to sunlight and other sensory abnormalities, such as hypersensitivity to touch, heat and/or cold, and loud noises and impaired balance, memory and concentration. MCS is more common in women and can start at any age, but usually begins in one's 20's to 40's. Onset may be sudden (from a brief high-level toxic exposures) or gradual (from chronic low-level exposures), as in "sick buildings." The syndrome is defined by multiple symptoms occuring in multiple organ systems (most commonly the neurological, gastrointestinal, respiratory, and musculoskeletal) in response to multiple different exposures. Symptoms may include chronic fatigue, aching joints and muscles, irritable bowel, difficulty sleeping and concentrating, memory loss, migraines, and irritated eyes, nose, ears, throat and/or skin. Symptoms usually begin after a chronic or acute exposure to one or more toxic chemical(s), after when they "spread" to other exposures involving unrelated chemicals and other irritants from a great variety of sources (air pollutants, food additives, fuels, building materials, scented products, etc.). Consistent with basic principles of toxicology, MCS usually can be improved, although not completely cured, through the reduction and environmental control of such exposures. Many different terms have been proposed in medical literature since 1869 to describe MCS syndrome and possibly related disorders whose symptoms also wax and wane in response to chemical exposures.

ALTERNATE NAMES PROPOSED FOR MCS

Acquired Intolerance to Solvents, Allergic Toxemia, Cerebral Allergy, Chemical Hypersensitivity Syndrome, Chemical-Induced Immune Dysfunction, Ecological Illness, Environmental Illness or "EI," Environmental Irritant Syndrome, Environmentally Induced Illness, Environmental Hypersensitivity Disorder, Idiopathic Environmental Intolerances or "IEI," Immune System Dysregulation, Multiple Chemical Hypersensitivity Syndrome, Multiple Chemical Reactivity, Total Allergy Syndrome, Toxic Carpet Syndrome, Toxin Induced Loss of Tolerance of "TILT," Toxic Response Syndrome, 20th Century Disease.

DISORDERS ASSOCIATED WITH SINGLE OR MULTI-ORGAN CHEMICAL SENSITIVITY

Akureyri Disease (coded as EN), Asthma, Cacosmia, Chronic Fatigue Syndrome, Disorders of Porphyrin Metabolism, [Benign

Myalgic] Encephalomyelitis, Epidemic Neuromyastenia (EN), Fibromyalgia Syndrome, Gulf War Syndrome, Icelandic Disease (coded as EN), Mastocytosis, Migraine, Neurasthenia, Royal Free [Hospital] Disease, Sick Building Syndrome, Silicone Adjutant Disease, Systemic Lupus Erythematosus, Toxic Encephalopathy.

Listed alphabetically below are the U.S. Federal, State, and local government authorities, U.S. Federal and State courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statement, and/or published documents recognizing MCS disorders under one name or another as a ligitimate medical condition and/or disability. An introductory section summarizes recognition or MCS in peer-reviewed medical literature, and the last section lists upcoming MCS conferences as well as past conferences sponsored by Federal Government agencies.

The exact meaning of "recognition" varies with the context as each listing makes clear. Recognition by a court of law, for example, usually refers to a verdict or appeal in favor of an MCS plaintiff, while recognition by government agencies varies tremendously—from acknowledgement of the condition in publications and policies to research funding and legal protection of disability rights.

RECOGNITION OF MCS BY 25 FEDERAL AUTHORITIES

U.S. Agency for Toxic Substances & Disease Registry in a unanimously adopted recommendation of the ATSDR's Board of Scientific Counselors, which calls on the ATSDR to "take a leadership role in the investigation of MCS" [1992, 24 pages, R–1]. To coordinate interagency research into MCS, the ATSDR co-chairs the Federal Work Group on Chemical Sensitivity, which it convened for the first time in 1994 (see below). The ATSDR has helped organize and pay for three national medical conferences on MCS: sponsored by the National Academy of Sciences in 1991, the Association of Occupational and Environmental Clinics in 1991, and the ATSDR in 1994. The combined proceedings of these three conferences are reprinted in Multiple Chemical Sensitivity, A Scientific Overview, ed. Frank Mitchell, Princeton NJ: Princeton Scientific Publishing, 1995 (609–683–4750 to order). ATSDR also contributed funding to a study conducted by the California Department of Health Services to develop a protocol for detecting MCS outbreaks in toxic-exposed communities via questionnaires and diagnostic tests (see entry below on California Department of Health Services). Officially, however, ATSDR has not "established a formal position regarding this syndrome" [1995, 1 page, R–2].

U.S. Army, Medical Evaluation Board on US Army Form 3947 (from the U.S. Army Surgeon General), Army Medical Evaluation Board certified a diagnosis of "Multiple Chemical Sensitivities Syndrome" for a Persian Gulf veteran on 14 April 1993 [1 page, R–3]. MCS is defined on this form as "manifested by headache, shortness of breath, congestion, rhinorrhea, transient rash, and incoordination associated with exposure to a variety of chemicals." The Board's report further recognizes that this patient's particular MCS condition began approximately in April 1991 (while the patient was serving in the Gulf and entitled to base pay), that the condition did not exist prior to service, and that it has been permanently aggravated by service. At least five other active duty Persian Gulf veterans have been diagnosed by the Army with MCS, as reported by the Persian Gulf Veterans coordinating Board in "Summary of the Issues Impacting Upon the Health of Persian Gulf Veterans," [3 March 1994, 4 page excerpt, R–4]. The Army Medical Department also has requested funding for a research facility to study MCS (reported in an Army information paper on "Post Persian Gulf War Health Issues," 16 November 1993).

U.S. Congress in a VA/HUD Appropriations Bill for FY1993 signed by President Bush in 1992 appropriating "$250,000 from Superfund funds for chemical sensitivity workshops." These funds were used by the U.S. Agency for Toxic Substances and Disease Registry (see above) to co-sponsor scientific meetings on MCS with various other organizations [1992, 3 page excerpt, R–5] and support an MCS study (see California State Department of Health Services below). For FY 1998, Vermont Congressman Bernard Sanders proposed and Congress appropriated $800,000 to start a new 5-year civilian agency research program into MCS among Gulf War veterans. Congress also requested that the administration report back by January 1998 on how it planned to spend the funds (text of appropriations is quoted in report; see below: U.S. Department of Health Services, Agency for Health Care Policy and Research).

U.S. Consumer Product Safety Commission, U.S. Environmental Protection Agency, American Lung Association, and American Medical Association (jointly) in a jointly published booklet entitled *Indoor Air Pollution An Introduction for Health Professional* [US GPO 1994–523–217/81322] under the heading "What is 'multiple chemical sensitivity' or 'total allergy'?, these organizations state that "The current consensus is that in cases of claimed or suspected MCS, complaints should not be dismissed as psychogenic, and a thorough workup is essential." The booklet is prefaced by the claim that "Information provided in this booklet is based upon current scientific and technical understanding of the issues presented . . ."[1994, 3 page excerpt, R–6]

U.S. Department of Agriculture, Forest Service in its Final Environmental Impact Statement on "Gypsy Moth Management in the United States: a cooperative approach", people with MCS are mentioned as a "potential high risk group" who should be given advance notification of insecticide treatment projects via "organizations, groups and agencies that consist of or work with people who are chemically sensitive or immunocompromised." MCS also is discussed in an appendix on Human Health Risk Assessment (Appendix F, Volume III of V) under both "Harzard Identification" and "Groups at Special Risk" [1995, 11 page excerpt and 1 page cover letter from John Hazel, the USDA's EIS Team Leader, to Dr. Grace Ziem of MCS Referral & Resources, R–130].

U.S. Department of Education in the enforcement by its Office of Civil Rights of Section 504 of the Rehabilitation Act of 1973 which requires accommodation of persons with "MCS Syndrome" via modification of their educational environment, as evidenced by several "agency letters of finding" (including San Diego (Calif) Unified School District, 1 National Disability Law Reporter, para. 61, p. 311, 24 May 1990; Montville (Conn.) Board of Education, 1 National Disability Law Reporter, para. 123, p. 515, 6 July 1990; and four letters (along with an individualized environment management program) in the case of the Arminger children of Baltimore County, MD [in 1991, 1992, 1993 and 1994; 20 pages total, R–7]. These accommodations also are required under the terms of Public Law 94–142, now known as the Individuals with Disabilities Education Act (CFR34 Part 300). The Department of Education as a whole, however, has no formal policy or position statement on the accommodation of students with MCS.

U.S. Department of Energy, Oak Ridge National Laboratory in being the lead sponsor of the 11th Annual Life Sciences Symposium on "Indoor Air and Human Health Revisited." This 1994 conference was co-sponsored by the US Environmental Protection Agency and Martin Marietta Energy Systems' Hazardous Waste Remedial Action Program. The proceedings are published in *Indoor Air and Human Health* (Gammage RB and Berven BA, editors, Boca Raton FL: CRC Lewis Publishers, 1996) and contain several peer-reviewed papers of critical relevance to MCS by DoE, EPA and other federally funded researchers. (4 page excerpt with table of contents, R–175)

U.S. Department of Health and Human Services (HHS), Agency for Health Care Policy and Research in a "Report to Congress on Research on Multiple Chemical Exposures and Veterans with Gulf War Illnesses" by agency administrator Dr. John Eisenberg (who is also the acting Assistant Secretary for Health). Dr. Eisenberg proposes spending $300,000 in 1998 for a "consensus building" and research planning conference, $400,000 for research into the health effects of chemical mixtures, and $100,000 for an Interagency Coordinator in the Office of Public Health and Science [January 1998, 7 pages including MCS R&R press release, R–168]. Congress requested the report in 1998, as part of an $800,000 appropriation for a new civilian research into MCS (see U.S. Congress, above).

U.S. Dept. of HHS, National Institute on Deafness and Other Communication Disorders in the funding of MCS-related olfactory research by its Chemical Senses Branch since NIDCD's creation in 1988; including $29,583,000 in fiscal year 1998. The Chemical Senses Branch supports both basic and applied research, with most of its funds going to just five "chemosensory research centers": the Connecticut Chemosensory Clinical Research Center (860–679–2459), Monell Chemical Senses Center (215–898–6666), Rocky Mountain Taste and Smell Center (303–315–5650), State University of New York Clinical Olfactory Research Center (315–464–5588), and University of Pennsylvania Smell and Taste Center (215–662–6580). Free information is available from NIDCD Information Clearinghouse, 800–241–1044.

U.S. Dept. of HHS, National Institute of Environmental Health Sciences in "Issues and Challenges in Environmental Health," a publication about the work of NIEHS, research priorities are proposed for "hypersensitivity diseases resulting from allergic reactions to environmental substances" [NIH 87–861, 1987, 45 pages, R—8]. It is not clear from the context if this statement was meant to include or exclude MCS, since the condition was still thought by some at the time to be an allergic-type reaction. In 1992, the director Dr. Bernadine Healy responded in detail to an inquiry from Congressman Pete Stark about the scope of NIEHS research into MCS: "It is hoped that research conducted at NIEHS will lead to methods to identify individuals who may be predisposed to chemical hypersensitivities. . . . NIH research is directed toward the understanding of the effect of chemical sensitivities on multiple parts of the body, including the immune system." [1992, 3 pages, R–9]. In 1996, director Dr. Kenneth Olden wrote US Senator Bob Graham that "NIEHS has provided

research support to study MCS. . . . NIEHS has also supported a number of workshops and meetings on the subject." [15 April 1996, 2 pages, R–101]. Dr. Olden also states that "Pesticides and solvents are the two major classes of chemicals most frequently reported by patients reporting low level sensitivities as having initiated their problems."

U.S. Department of Health and Human Services, National Library of Medicine . . . in the 1995 Medical Subject Headings (MESH) codes used to catalog all medical references, which started using Multiple Chemical Sensitivity (and its variations) as a subject heading for all publications indexed after October 1994 [3 pages excerpt, R–10].

U.S. Department of Health and Human Services, Office for Civil Rights (OCR) . . . in the final report by the Regional Director (of Region VI) regarding OCR's investigation of an ADA-related discrimination complaint filed by a patient with MCS against the University of Texas M.D. Anderson Cancer Center for failing to accommodate her disability and thereby forcing her to go elsewhere for surgery. Prior to completion of the investigation and the issuance of any formal "findings," the OCR accepted a proposal from the Univ. of Texas to resolve this complaint by creating a joint subcommittee of the cancer center's Safety and Risk Management committees. This subcommittee's three tasks (as approved by the OCR) are to "identify a rapid response mechanism which could be triggered by any patient registering a complaint or presenting a special need which is environment related; develop a 'protocol' outlining steps to be taken to resolve environmental complaints by patients . . . ; and inform the medical staff through its newsletter of the mechanism and the protocol so that they will better understand how to address such questions or concerns." The OCR has placed the M.D. Anderson Cancer Center "in monitoring" pending completion and documentation of these changes, but it may initiate further investigation if M.D. Anderson fails to complete this process within the 13 months allowed. [27 March 1996, 11 pages, R–99]

U.S. Department of Health and Human Services, Social Security Administration . . . in enforcement of the Social Security Disability Act (see Recognition of MCS by Federal Courts, below), and in the SSA's Program Operations Manual System (POMS), which includes a section on the "Medical Evaluation of Specific Issues—Environmental Illness" stating that "evaluation should be made on an individual case by case basis to determine if the impairment prevents substantial gainful activity" [SSA publication 68–0424500, Part 04, Chapter 245, Section 24515.065, transmittal #12, 1998, 1 page excerpt, R–11]. In 1997, the U.S. District Court in Massachusetts required Acting SSA Commissioner John Callahan to spell out the agency's position on MCS in a formal memo to the court (31 October 1997, 2 pages, R–164; see Creamer v. Callahan below, under Recognition of MCS by US Federal Court Decisions). With this memo, SSA now officially recognizes MCS "as a medically determinable impairment" on an agency wide basis. MCS is also recognized in several "fully favorable" decisions of the SSA's Office of Hearing and Appeals: in case #538–48–7517, in which the administrative law judge, David J. Delaittre, ruled that "the claimant has an anxiety disorder and multiple chemical sensitivity," with the latter based in part on the fact that "objective [qEEG] evidence showed abnormal brain function when exposed to chemicals" [1995, 7 pages, R–12]; in case #264–65–5308, in which the administrative law judge, Martha Lanphear, ruled that the claimant suffered severe reactive airways disease secondary to chemical sensitivity and that this impairment prevented her from performing more than a limited range of light work [1996, 8 pages, R–120]; in case #239–54–6581, in which the administrative law judge, D. Kevin Dugan, ruled that the claimant suffered severe impairments as a result of pesticide poisoning, including "marked sensitivity to airborne chemicals," which prevent her from "performing any substantial gainful activity on a sustained basis [1996, 4 pages, R–135]; in case #024–40–2499, in which the administrative law judge, Lynette Diehl Lang, recognized that the claimant suffered from severe MCS and could not tolerate chemical fumes at work (as a result of overexposure to formaldehyde in a state office building), as a result of which he was awarded both disability benefits and supplemental security income [1995, 8 pages, R–140]; in case #184–34–4849, in which administrative law judge Robert Sears ruled that the claimant suffered from "extreme environmental sensitivities," and particularly "severe intolerance to any amount of exposure to pulmonary irritants" [11 June 1996, 7 pages, R–156]; and in case #256–98–4768, in which the administrative law judge, Frank Armstrong, classified the claimant's "dysautonomia triggered by multiple chemical sensitivities" as severe and said it "prevents the claimant from engaging in substantial gainful activity on a sustained basis" [18 March 1997, 8 pages, R–157].

IN HONOR OF THE 25TH ANNIVERSARY OF THE NATIONAL HEAD START ASSOCIATION (AND THE LAUNCH OF THE HEADS UP! NETWORK)

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MARTINEZ. Mr. Speaker, October 1998 marks the 25th Anniversary of the National Head Start Association and I rise in tribute to this organization which, for a quarter-century, has been responsive to the needs of millions of Head Start children and their families, as well as staff and friends of the program.

NHSA, its membership, its leadership, and its Government Affairs Department, are to be commended on their latest accomplishment—the invaluable input provided by the Association in the successful completion of a bipartisan Head Start reauthorization at the end of this session. NHSA once again left its mark on that legislation. I am proud to have been a part of that effort and can testify firsthand of the good work which NHSA does.

The idea for a Head Start Association was born in 1973 in Kansas City, Missouri, at a national conference for directors of community action agencies. A handful of Head Start program directors attending the conference discussed the need for a private, national association that could advocate specifically for the Head Start community in Congress.

During the remainder of 1973, the core group of directors from Kansas City met several times with other Head Start directors from across the country. Pooling their broad resources, they formed the National Directors Assocation—the forerunner of NHSA. In addition to protecting Head Start's funding, the association aimed to strengthen the quality of Head Start.

At the request of the National Directors Association, Head Start parent delegates from each state met in Washington, D.C., in September 1974 to begin forming the parent affiliate of the Head Start Association, called the Head Start Parents Association.

At the January 1975 organizational meeting in Los Angeles, the parents passed a motion to invite Head Start non-director staff members to the second annual conference. It was their feeling that all Head Start staff members were critical to the association's long-term success. Non-director staff members formed the third affiliate association, the Head Start Staff Association. By the time the second annual meeting was held in Kansas City, the three associations as a group were named the National Head Start Association.

At the second annual conference, a number of the attendees did not fit into any of the three affiliate associations already organized. These "friends" of Head Start organized themselves into the final affiliate association of National Head Start Association, presenting their bylaws and charter at the second annual conference.

This collaborative and expanding effort is indicative of the vitality and responsiveness upon which NHSA prides itself. Like the Head Start program itself, NHSA has worked to respond to local and changing needs—and has done so by enlarging the Head Start community to include everyone in the community.

Over the past 20 years, NHSA's mission has changed from simply defending Head Start in Congress to actively expanding and improving the program. Membership types have been created for Head Start agencies, Head Start state and regional associations, and both commercial and nonprofit organizations. From planning massive annual training conferences to publishing a vast array of publications, the National Head Start Association continually strives to improve the quality of Head Start's comprehensive services for America's children and families.

The latest chapter in NHSA's bold leadership came just two weeks ago. On September 24, I took part in the premiere of the Heads Up! Network—a satellite television network exclusively dedicated to the training needs of the Head Start and early childhood community. As NHSA examines new, innovative ways to support the needs of Head Start professionals and parents, I share their belief in the power of the Heads Up! Network to deliver on the promise of high-quality affordable training.

On behalf of myself and my colleagues, I congratulate the National Head Start Association, its President Ron Herndon, Chief Executive Officer Sarah Greene, and the Association's national staff and thousands of members across the nation on a quarter century of success in service to the country's low income children and families. I think I speak for all my colleagues when I say that a grateful Congress looks forward to many more years in support of quality early childhood and family care and education—hand in hand with NHSA. Happy Anniversary!

HONORING THE RETIREMENT OF IMAM KHATTAB

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize a member of the clergy in my district, the Imam Khattab of the Islamic Center of Greater Toledo. The Imam is retiring as the congregation's director, having served the Muslim community of Northwest Ohio for sixteen years.

Born in Egypt, Abdelmoneim Mahmoud Khattab completed his undergraduate degree at Al-Azhar University, where he received his Bachelor's Degree in Theology. He later received Masters Degrees in Social Services and Theology, and completed three years in the College of Law at Cairo University. After immigrating to Canada, he obtained a Masters Degree in Sociology and went on to complete his PhD coursework. A true scholar and learned man, Imam Khattab has directed his expertise to the fields of education, health, and foreign affairs, as well as directing Islamic Centers in Edmonton, Alberta and London, Ontario prior to his tenure in Northwest Ohio.

Imam Khattab has profoundly affected each congregation to which he devoted himself. With his guidance, the Islamic Center of Greater Toledo has fostered an interfaith understanding with the community, and it has become a centerpiece of Muslim faith and culture in our region. Those who visit the mosque, whether members of the Muslim community or not, cannot help but be swept up in the reverence, humility, faith, and sense of the world which reverberates within its walls.

Imam Khattab has been a leader in every sense of that word, directing the members of the mosque in his quiet, humble manner and with the greatest dignity. He takes his leave to pursue other important ventures, but leaves all of those who knew him during his stay here richer for the experience. We wish him well in his journey. Assalamu Alaikum, a friend to each of us who strive for a world of greater understanding, peace, and fellowship.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. CONYERS. Madam Speaker, I rise today in strong support of that part of the term extension bill which actually extends the term of copyright. But to object to another, unrelated provision of the bill which I wish were not included today. I do support this overall bill, and I will vote for it, but as I say, regret that I am forced to accept a terrible provision as the price to pay for supporting a bill which this Nation urgently needs.

I deeply regret that copyright term extension legislation was hijacked some time ago by interests that have little to do with the extension of copyright's term, but through their persistence, and the support of some in the House of Representatives whose tenacity is to be admired, have succeeded in putting a provision in this legislation which is a terrible blow to songwriters.

Copyright term extension is an important and necessary improvement to our copyright laws, and one which I have long supported. After a healthy debate, it passed out of the Judiciary Committee without dissent, and those of us who support it have fought long and hard for it to come to the floor today. It strengthens our domestic copyright industry by extending the life of copyright. In addition, it eliminates the disadvantage that the United States has operated under since the European Union extended the life of its copyrights, but provided that copyrights created in countries that did not do the same, like the United States until now, would not be similarly protected.

Although I am wholeheartedly in support of term extension, I am deeply disappointed that the leadership has agreed to use this vehicle to carve out important protections—meaning real money—from songwriters, the overwhelming majority of whom do not make a great deal of money to begin with. The musical licensing exemption provision in today's bill may be a compromise, but it's bad policy.

I am concerned that the musical licensing exemption—a wholly inappropriate carveout of performers rights—may also be violative of international treaty obligations. Specifically, the provision may well violate the Berne Convention for the protection of literary and artistic works. I am directly talking about Article 11b is of that convention, which provides the exclusive right of the author to authorize the "public communication by loudspeaker or other analogous instrument transmitting by signs, sounds, or images, the broadcast of the work." Based on the Register of Copyrights' analysis of earlier versions of this bill, I am concerned that the carveout in today's bill may violate that provision.

The case has also been made to me that the carveout—which will come directly out of the pockets of songwriters—may also be a taking. How ironic that the Republican majority would spend so much time worried about takings in the property context, then turn around and do it to small business people when nobody's looking.

I am voting for today's legislation because the extension of copyright term is a critical and necessary policy change for our Nation to make. I am disappointed that the legislation includes this carveout that hurts songwriters. But it was a compromise, and I recognize that. I regret that songwriters were made to compromise on something they should not have had to be dealing with at all, but it is a compromise, and I understand that. I just am not sure that nations that may have a claim against us in the world trade organization because of a violation of the Berne Convention will understand it, and that concerns me.

HONORING THE MEMORY OF DEPUTY CONSTABLE RAY LEO "MICHAEL" EAKIN III

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GREEN. Mr. Speaker, I rise today to pay tribute to Ray Leo "Michael" Eakin III, who died tragically on September 29, 1998, while performing his duties as a deputy constable.

I would like to extend my condolences to his parents, Bill and Janet Green, as well as his mother, Barbara Johnson, his father, Ray Eakin, Jr., and his many other relatives and friends.

Michael went out every day to make a difference and he did—some days in small ways, some days in big ways, and on September 29, 1998, at the cost of his life. One cannot ask more of peace officers.

Michael had been in law enforcement for 4½ years, spending the past 2½ years working for Harris County Precinct One Constable Jack Abercia. Before that he worked in the Montgomery County Constable's office. Michael Eakin is the first person to die while performing his duties in the Harris County Precinct One Constable's office.

During Michael's tenure with the Constable's office, he served with distinction in contract patrol, building security, warrant division and the Hardy Toll Road patrol.

He grew up in the Aldine area and attended school there. During his senior year, his family moved to Conroe, Texas, where he graduated from high school.

The loss of a peace officer is a tragic event. The Book of John, Chapter 15, verse 13 states: Greater love has not man than this, that a man way down his life for his friends.

I believe this message has special meaning today and forever. As a father and proud family man, I cannot begin to understand the pain and heartache being felt by the Green and Eakin families. I can only hope and pray that this death was not in vein, and we all join together to pray for them.

Deputy Constable Michael Eakin's dedication and devotion to the citizens of Harris County serves as a model for all law enforcement. I ask my colleagues to join me in paying tribute to the life of Michael Eakin.

RECOGNIZING NEW JERSEY BROADCASTERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I rise in recognition of New Jersey's broadcasters and the New Jersey Broadcasters Association who have worked in partnership to help focus public attention on some of the key concerns for residents in my state. While radio and television stations are required to address important public issues, New Jersey broadcasters have worked hard to exceed their responsibilities.

New Jersey's television and radio stations have raised over $1 million for charitable causes and donated over $3 million in air-time for public service projects. Broadcasters in my state have raised money to build new housing for needy families, provided gifts for children during the Christmas holidays, and helped many individuals who were victimized by natural disasters.

Stations in New Jersey have donated countless hours of public affairs programming and public service announcements aimed at educating residents about alcohol abuse, anti-crime initiatives, and efforts to fight poverty and hunger. Additionally, two-thirds of the radio stations in New Jersey have made it their policy to offer free air-time to political candidates. The median value of the air-time totaled $27,000 per station.

Radio and television stations have done much to provide important information for people throughout New Jersey. Their important charitable fund raising, coordinated through the New Jersey Broadcasters Association, has helped enhance the quality of life for many of our citizens.

Mr. Speaker, I would like to take this opportunity to thank Phil Roberts, the Executive Director of the New Jersey Broadcasters Association and all the people who work at New Jersey's radio and television stations for their commitment and dedication to the people of New Jersey.

DON RUMSFELD'S HISTORIC LEGACY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GINGRICH. Mr. Speaker, the attached article from the Washington Times provides the proper perspective on the work of former Secretary of Defense Donald Rumsfeld. Frank Gaffney, Jr., recognizes that the findings of the Rumsfeld Commission are accurate and need to be given serious consideration. I recommend this article to my colleagues, and I submit the article to the CONGRESSIONAL RECORD.

[The Washington Times, Wed., Oct. 7 1998]

DON RUMSFELD'S HEROIC LEGACY

(Frank Gaffney Jr.)

Last Friday, top uniformed and civilian Pentagon officials made something of a spectacle of themselves on Capitol Hill.

It's not just that the officials—Deputy Secretary of Defense John Hamre, Vice Chairman of the Joint Chiefs of Staff Ralston and Lt. Gen. Lester Lyles, the director of the Ballistic Missile Defense Organization—were forced to admit to members of the Senate Armed Services Committee that they could no longer sustain the central tenet of the administration's resistance to the prompt deployment of missile defenses: The ballistic missile threat from a rogue state like North Korea is now recognized as likely to emerge before the United States can deploy effective anti-missile systems to defeat it.

Nor was the spectacle primarily a function of this hearing's juxtaposition with one the committee had held three days before. On the earlier occasion, the chairman of the Joint Chiefs of Staff and each of the four Service Chiefs hewed to the old party line. They parroted the JCS's position laid out in an Aug. 24 letter from their chairman, Gen. Hugh Shelton, to the chairman of the Committee's Readiness Subcommittee, Sen. Jim Inhofe, Oklahoma Republican: "We remain confident that the intelligence community can provide the necessary warning of the indigenous development and deployment by a rogue state of an ICBM threat to the United States."

In particular, the JCS dismissed as "an unlikely development" a key conclusion of the blue-ribbon, congressionally mandated commission led by former Defense Secretary Donald Rumsfeld—namely, the prospect that "through unconventional, high-risk development programs and foreign assistance, rogue nations could acquire an ICBM capability in a short time and that the intelligence community may not detect it."

Yet, Mr. Hamre and the generals accompanying him were obliged to acknowledge that they and the intelligence community had in fact been surprised by North Korea's test on Aug. 30 of a third-stage on its Taepo Dong 1 missile. Indeed, this demonstration of the inherent capability to manufacture intercontinental-range ballistic missiles came along years before it had been expected by the Clinton team. It happened to validate, however, the Rumsfeld Commission's warning that the United States was likely to have "little or no warning" of a ballistic missile threat from the likes of North Korea, Iran and Iraq.

Gen. Shelton and Co. owe Mr. Rumsfeld and his colleagues an apology—just as the nation owes the commission a debt of gratitude for helping to shatter the administration's cognitive dissonance about the escalating missile threat.

The real spectacle, though, came when the Defense Department witnesses [proceeded to assure senators of two propositions that make the systematic underestimation of the threat pale by comparison. First, they asserted that the 1972 Anti-Ballistic Missile Treaty is in no way interfering with the United States' pursuit of effective missile defenses. And second, they claimed their work on such defenses is proceeding as quickly as possible.

The one exception Messrs. Hamre, Ralston and Lyles mentioned in the latter connection was the Navy's "AEGIS Option": an evolution of the fleet air defense system that is operational on the world's oceans thanks to an investment of some $50 billion to date, so as to permit it to shoot down ballistic missiles. They confirmed that this promising program was not receiving the funds it needs to proceed as quickly as technology would permit.

Unfortunately, to correct this shortfall, the Pentagon is actively considering terminating (either formally or de facto) the Army's important Theater High Altitude Area Defense (THAAD) program. Were such an ill-advised step to be taken, it would offer proof positive of the adage that two wrongs do not make a right.

The Defense Department representatives went on to perpetrate another spectacular fraud. None mentioned that the AEGIS Option is a case in point of how the ABM Treaty is, in fact, preventing effective anti-missile systems from being developed and deployed as soon as possible.

If the dead hand of this 26-year-old accord—with a country that no longer exists—were not still governing the Clinton policy toward missile defense, there is little doubt as to what would currently be happening: The nation would be rapidly evolving its AEGIS infrastructure so as to put into place within a few years a competent, worldwide defense against shorter-range missiles (currently threatening our forces and friends overseas). Absent the ABM Treaty, moreover, this program would also afford the beginnings of a missile protection for Americans here at home for a price tag estimated to total (thanks to the sunk costs) just $2 billion to $3 billion, spent out over the next five years.

At this writing, Defense Secretary William Cohen and Gen. Shelton are about to appear before the Armed Services Committee. Given the velocity with which these sessions are producing dramatic changes in administration positions, perhaps these witnesses will reveal that the truth is breaking out not only with respect to the threat, but also with regard to what can be done about it.

Under no circumstances should the witnesses be allowed further to insult senators' intelligence by promoting the absurd argument that a limited national missile defense system that literally has to be built from the ground up can be brought on-line faster and cheaper than one that is largely operational, apart from some relatively minor hardware and software changes. This defies common sense. So does the line that the ABM Treaty—which nominally permits the former and explicitly prohibits the latter, sea-based anti-missile program—is having no impact on the effort to defend America against missile attack.

Whether the truth on these fronts actually emerges from the Cohen-Shelton hearing or at some future event, one thing seems clear: It will become harder and harder to lie to the American people about their vulnerability to ballistic missile attack and about the availability of near-term, affordable options for reducing that vulnerability, provided the ABM Treaty is no longer allowed to be an impediment to bringing defenses on-line. Hats off to Don Rumsfeld and his team for creating conditions under which such momentous changes may yet result in the deployment of missile defense before they are needed.

Frank J. Gaffney Jr. is the director of the Center for Security Policy and columnist for the Washington Times.

H.R. 4569, THE FOREIGN OPERATIONS APPROPRIATIONS, FY 1999

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BURTON of Indiana. Mr. Speaker, today I want this Congress to focus on a government that has spent years practicing torture on its own people. However, when you go home and turn on the evening news, good luck trying to find any story that reveals this particular human rights issue. And better luck getting this administration to pay any attention to the plight of thousands of innocent civilians.

We speak of tragedies all over the world this time of year. We speak of the struggles in Africa, Cambodia, and Burma. We reprimand China for its draconian abortion policies and illegal human organ sales. We threaten to stop international military and educational training

(IMET) from Indonesia for abuses in East Timor. We even criticize longstanding allies like Turkey for its treatment of its Kurdish citizens without addressing the brutal murders carried out by the PKK, a Kurdish Marxist terrorist organization.

Unfortunately, there is one human rights issue that continues to escape the attention of this administration, some members of this Congress and the media. That issue involves the plight of the Sikhs in Punjab or Khalistan; the plight of the Kashmiris; the plight of christians in Nagaland; and the plight of the "untouchables", the lowest caste in India's system.

Mr. Speaker, the Indian Government is one of the world's worst human rights abusers in the world. You may ask, well if that's true why doesn't the word know?

Since the 1970's, Amnesty International and other human rights groups have been barred from India. Mr. Speaker, even the Government of Cuba allows Amnesty into their country.

In fact, there are half-million Indian soldiers occupying Punjab, and another half-million troops occupying Kashmir. Since 1947, India has killed over 200,000 christians in Nagaland; 250,000 Siks in Punjab from 1984–1995; and 53,000 Muslims in Kashmir since 1988.

For the last sixteen years, I have been coming to this well to call attention to Punjab, where the Indian military receives cash bounties for the slaughter of innocent children. And to justify their actions, they are labeled "terrorists."

According to our own State Department, India paid over 41,000 cash bounties to police for killing innocent people from 1991–1993!

Also in Punjab, Sikhs are picked up in the middle of the night only to be found floating dead in canals with their hands and feet bound together. Some Sikhs are only so fortunate, many are never found after their abduction.

Recently, the India Central Bureau of Investigation (CBI) told the Supreme Court that it had confirmed nearly 1,000 cases of unidentified bodies that were cremated by the military!

And it does not get any better in Kashmir. Women, because of their Muslim beliefs, are taken out of their homes in the middle of the night and are gang-raped while their husbands are forced to watch and wait inside at gunpoint.

It was hoped that the new governments in Delhi and Punjab would stop the repression which the Indian supreme court describes as "worse than a genocide!"

Mr. Speaker, opponents will say the recent election in Punjab of a Sikh dominated coalition and the fact that an "untouchable" is now the President of India is evidence of their democratic progress.

But, I can tell you that this new government in Punjab is closely aligned with the authoritarian BJP Prime Minister Vajpayee of India and India's "untouchable" President is merely a figurehead. Mr. Speaker, would democracies continue the rampant campaign of genocide?

On July 22, 1998, Baljit Singh, A Sikh youth of Burj Dhillwan village, died of complications from torture-style brutality inflicted by the Punjab police.

Also in July of 1998, police picked up Kashmira Singh of the village of Khudiah Kalan on the pretext that they were investigating a theft. They then tortured him for 15 days. They rolled logs over his legs until he couldn't walk; they submerged him in a tub of water; and they slashed his thighs with razor blades and stuffed hot peppers into the wounds.

On April 1, 1998, Brother Luke, a Roman Catholic priest was murdered in the eastern state of Bihar. His body was found with a bullet hole through the head. He was a member of Mother Teresa's world-renowned charity organization. This is the fourth priest in 2 years that has been murdered in India.

On October 30, 1997, Reverend A.T. Thomas was found beheaded also in Bihar, apparently killed for aiding the no-caste "untouchables." Amnesty International has linked the Bihar state government to the murder of Rev. Thomas! The Catholic Bishops Conference of India has criticized the government for doing nothing to protect Catholic priests and for failing to prosecute those responsible.

On July 12, 1997, in Bombay, 33 Dalits (black untouchables) were killed by Indian police during demonstrations.

On July 8, 1997, 36 people were killed in a train bombing in Punjab. Two ministers of the Punjab Government have blamed the Punjab police. The bombing occurred a day after 9 policemen were convicted of murder!

On March 5, 1997, a death squad picked up Kashmir Singh, an opposition party member. He was thrown in a van, tortured, and murdered. Finally, his bullet-ridden body was dumped out on the roadside.

These military forces operate beyond the law with complete impunity!

Mr. Speaker, the United States should not support a government that condones widespread abuses with our hard-earned tax dollars! It is time India is held accountable for its continued violation of basic human rights!

The Sikhs, Muslims, Christians, "untouchables," and women of India are desperately looking to this Congress for help. The time has come for action, it is time for America to take a stand!

Considering all this, the President still requested $56.5 million in development assistance for India in fiscal year 1999. That is an increase in almost $1 million over last year.

As everyone is aware, as a result of India's recent nuclear test, the President has imposed a broad range of sanctions on India for violation of section 102(b) of the Arms Export Control Act. Also known as the Nuclear Proliferation Prevention Act of 1994, or more popularly, the Glenn Amendment—it prohibits a variety of assistance and commercial transactions between the U.S. and any country if the President determines that that country—if it is a non-nuclear-weapon state—has detonated a nuclear explosive device.

India has disregarded regional and international stability by placing missiles and exploding thermonuclear weapons, fission weapons, and hydrogen bombs near the Pakistan border. Indeed, their behavior has been clearly unacceptable, and they are being properly punished. I applaud the President for his fortitude.

And, if the President continues to follow through with the current law, this should send a strong signal to the Indian Government that it is not going to be business as usual with the United States.

Mr. Speaker, the American people are tired of helping bullies who punish their own people and threaten neighbors. India is still the 5th largest recipient of U.S. foreign aid in the world; India is the world's largest borrower from the world bank with more than $44 billion in loans; India votes against the U.S. at the United Nations more often than any other country, except Cuba.

It does not justify sending more hard-earned tax dollars to a country that claims to be the largest democracy in the world, but obviously shares none of our most cherished values.

Democracies don't commit genocide!

Let's put the brakes on the foreign aid gravy train to India!

Ask the President not to waiver on his stance with India!

OUR U.S. CONGRESS—KOREAN NATIONAL ASSEMBLY STUDENT INTERN EXCHANGE PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GILMAN. Mr. Speaker, I am pleased to rise to call to the attention of our colleagues, Michael L. Fox, a resident of Huguenot, NY, who was my 1998 designee to participate in the U.S. Congress—Foreign National Assembly Student Intern Exchange Program.

As my nominee, Michael was one of eight American interns who were selected by Members of this body, who participated in the exchange program from July 23rd to August 8th, 1998.

This exchange program, which I initiated in 1984 with the cooperation of the Korean National Assembly, our International Relations Committee, and the U.S.I.A., has been an exciting experience for hundreds of eager young adults over the years in Korea and in the United States who have participated. The Korean National Assembly Youth Exchange Program is an attempt to foster increased relations between the United States and Korea. For the 14 years that our program has been conducted, it has been a positive experience for all participants and both governments.

Mr. Speaker, Mr. Fox was kind enough to report in detail his trip to Korea, a copy of which I request to be included at this point in the RECORD:

U.S. CONGRESS—KOREAN NATIONAL ASSEMBLY YOUTH EXCHANGE PROGRAM; JULY 23–AUGUST 8, 1998

I must say that this was one of the most interesting summers of my life! Participating in this exchange program to Korea is an experience which I will cherish and remember for the rest of my life.

We started with group briefings on July 18, and soon after began to have joint meetings with the Korean Delegates so that we could get to know each other. Following three days of activities, which concluded with receptions hosted by His Excellency the Ambassador of the Republic of Korea Lee Hong-Koo at his residence, and the Chairman of the House International Relations Committee, and co-founder of this exchange program, Representative Benjamin Gilman, in

an HIRC committee room, the American Delegation embarked for Seoul, South Korea.

During our time in the country, which totaled almost three weeks, we had meetings and briefings with various officials and government officers. Many of our discussions centered on the current Asian Economic Crisis and unification with North Korea, along with China's role and the role of the joint South Korea-Japan-North Korea hosted World Cup 2002 Games in that unification.

The culture of South Korea is very different from that in the United States, but we did find that in-roads of "Americanization" had occurred. The youth of the nation has been turning more to American ideas and culture over the past generation. McDonald's, Baskin Robbins and TGIFridays can be found on the streets of Seoul, Chejudo Island, and elsewhere. While much of the culture still centers on respect for elders (even those one day older than you) and the importance of the group over the individual, these ideals, too, have been changing somewhat among those members of the present generation.

Turning to the Economic Crisis, the situation is growing critical. As Americans, I do not think that we can find it easy to understand the magnitude of these topics, living safely and comfortably within the borders of our great Nation, but over there banks and businesses are failing. Layoffs occur every day. Labor unions and unemployed workers demonstrate on the streets everyday, and buses upon buses of riot police are lined up all over Seoul. Making things worse, many of the officials and experts that we spoke to, including those from the Ministry of Foreign Affairs, Trade and Unification, expect that this crisis will continue for at least 3–5 more years before a complete turn-around can be expected. Newspaper articles discuss the disappearance of the middle-class. The poor are, as always, hurting. We saw people still working in rice paddies in many areas lacking sophisticated equipment or technology. The standard of living and poverty lines are much lower than those in the United States. In addition, as I toured the Hyundai plant in Ulsan, my guide informed me that although the labor unions were not aware of it yet, the Hyundai Motors plant was preparing to layoff up to 40,000 workers! As more and more workers are laid off, the problems will be compounded.

Calls have been made for a restructuring of the government, an abolition of the Korean National Assembly, or a cut in the bureaucracy and size of the government. They are searching for measures that would bring relief and a solution to this great problem.

Americans are not favored or popular amongst some South Koreans. We were advised to be careful and aware of our surroundings at all times. While I did not feel that we were in real danger, I realized that we are being blamed for bringing IMF aid to Korea, which is seen as a weakening force for the Won, and a target of accusation by the demonstrating workers.

Unification will be difficult under these conditions. Some estimates from CSIS and other agencies put production in North Korea at only about 25 percent of capacity. South Korea is afraid that unification would cost too much, and that it simply cannot afford to "prop-up" North Korea's economy, especially since its citizens are not used to, or prepared for, a productive life in a capitalist economy.

In spite of these grave problems, it is interesting to note that the National Assembly was not in session while we were there. It is incredible that as these dilemmas continue to mount, the governmental body of the nation was not convened and working toward solutions! The political, economic and social situation in South Korea is not good at this time.

Traveling to Panmunjom, the DMZ, and North Korea one comes to realize how lucky we are as Americans. As we entered the conference room, and North Korea, we came face-to-face with North Korean Soldiers. We come from a nation with ho hostile borders, whose Capital is not (and has not been since the Civil War) within two hours or less of enemy territory and hostile invaders. We are very lucky indeed, and came to understand why unification is such as important topic on the Korean Peninsula today.

I found this trip to be very informative, exciting and fun. While learning about these crises and problems, we did find time to relax and have some fun. An important part of our experience came from developing friendships and relationships with Korean citizens we came to meet, including past Korean Delegates. We developed relationships through social and cultural activities, such as home visits, traditional Korean meals, hotel stays, and patronage of restaurants and places of entertainment. Cultural bridges were built in side trips to Ancient Palaces in, and around, Seoul, ancient cities and temples throughout the nation—such as those in Kyongju—and the viewing of traditional Korean theater and dances in the resort area of Chejudo Island. The overall experience was quite enjoyable, and we came away returning to the United States with a greater understanding of the culture and way of life on the Korean Peninsula, and the problems that are being dealt with even as this essay is being read.

Despite this situation, the overall program was wonderful. I would venture to say that the program succeeded in its goal of fostering a better understanding of Korean life and culture on the part of Americans, and a better understanding of American life and culture on the part of the Korean Delegates—as became apparent at our joint debriefing held in San Francisco, California on August 8–9, 1998. We hope to maintain the friendships which developed through the program—among the American Delegation, this year's Korean Delegation, and those whom we met, and who were so gracious to us, while in Korea.

I will never forget this experience as long as I live, and I thank Chairman Gilman, my Congressman and sponsor, for giving me the opportunity to participate this year.

I cannot stress enough how important I feel it is to continue this program in years to come. There is no better way to foster understanding among nations with different cultures than through the exchange of people and ideas. In my opinion, this is a most valuable program.

MULTICHANNEL VIDEO COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 2921. I would like to begin by commending both Mr. TAUZIN, the Chairman of the Subcommittee on Telecommunications, and Mr. COBLE, the Chairman of the House Subcommittee on Courts and Intellectual Property. They have both worked hard to bring this legislation to the floor today, and I thank them for their efforts.

Mr. Speaker, this legislation represents a crucial first step in Congress' efforts to reform the laws governing the provision of direct-to-home satellite television and will bring immediate relief to millions of satellite consumers.

More specifically, this legislation addresses the level of copyright royalty fees paid by consumers of satellite services. Aside from the staggering size of these fee increases, the rate levels do not compare favorably to what the cable industry currently pays for identical signals.

At a time when we are counting on the competition that satellite services can bring to consumers, it seems senseless to create additional differences in the costs of programming between these two industries.

The rates that satellite subscribers pay for certain popular programming will certainly rise unless Congress takes action on this legislation. Although the royalty fee increase is already in effect, many satellite carriers have not passed on the full amount of the increases to consumers in anticipation of congressional intervention.

Further, if this situation is not addressed soon, superstations, which remain popular with many consumers, could well be dropped from satellite-delivered programming packages.

Swift action on H.R. 2921 is particularly necessary for the millions of satellite subscribers who, because they reside in rural areas and can receive the affected programming from no other source, will be captive to the rate hikes resulting from higher royalty fees.

This legislation also clarifies the satellite broadcasters' legal standing to sue those who pirate satellite broadcast signals. Signal theft—be it cable or satellite signals—is a serious problem. This provision will help promote the long-term viability of satellite television service.

Mr. Speaker, the Commerce and Judiciary Committees recently joined our counterparts in the Senate in one last effort to gain adoption of a set of more comprehensive changes in the underlying satellite laws this year. I regret to say that this effort failed for both lack of time remaining in this Congress and lack of consensus among the industry players.

But this exercise did create a large degree of agreement on many significant points on which I believe we can build next year. I just would like to state for the record, my firm commitment to revisiting and resolving these issues in a comprehensive manner early next year with the assistance and participation of my good friends and colleagues on the Judiciary Committee, Mr. TAUZIN and Mr. COBLE in particular.

I have confidence that the two committees can and will work together to enact these important reforms. I can only urge the affected industries to work diligently in the months before the beginning of the next Congress to bury their differences and to lend their cooperation to us.

Mr. Speaker, the reforms contained in H.R. 2921 are a downpayment on the more comprehensive package of changes we hope to bring to the full House early next year. It is a worthy beginning.

I urge the adoption of the bill.

IN SUPPORT OF H. CON. RES. 302, NATIONAL KIDSDAY AND NATIONAL FAMILY MONTH

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ROEMER. Mr. Speaker, I rise in strong support of H. Con. Res. 302, recognizing the importance of children and families in the United States and expressing support for the goals of National KidsDay and National Family Month. I want to thank Representatives PAUL MCHALE, FRANK WOLF, HAROLD FORD, NANCY JOHNSON, and DEBORAH PRYCE, who joined me in introducing this resolution last July, as well as Representative WALTER JONES and the many other Members who helped bring it to the floor today.

We live in an increasingly stressful society these days. Perhaps no one feels this stress more acutely than our Nation's children. The pressures of crime, drugs, violence and broken homes are robbing many children of the joys of childhood. There is a growing concern that too many kids are in crisis, and that no one is speaking out for them or trying to help.

That is what this resolution is all about. It is a simple, straightforward, bipartisan appeal on behalf of the children in our Nation to pay more attention to their needs, to provide them with a healthy and safe environment, and to give them hope for a secure and prosperous future. The resolution also expresses support for two particular initiatives which are being undertaken on behalf of kids: National KidsDay and National Family Month. Both of these initiatives have been created by KidsPeace, our Nation's oldest and largest not-for-profit organization dedicated solely to serving the needs of kids in crisis.

National KidsDay, observed on the third Saturday in September, encourages parents, grandparents and caregivers to spend a day with their children just having fun, and giving them a break from the strains of everyday life. National Family Month is celebrated during the five-week period between Mother's Day and Father's Day. Each week focuses on a specific value that families should provide to their children, including: a safe and secure home; people they can trust; love and value; the power and freedom to grow; and hope for the future.

Mr. Speaker, children are our most precious gift. We cannot afford to let even one child slip through the cracks. KidsPeace and other organizations are doing a wonderful job of reaching out to those children who are most at risk in society, and helping them develop the courage and skills necessary to overcome crisis. But no matter how hard they try, these organizations cannot take the place of loving parents, stable homes, and a healthy environment in which kids can feel safe, loved and positive about their lives and their futures.

This resolution is small in scope but it is large in symbolism. It sends a message to children that we care about them, we understand their problems, we share their dreams, and we want them to enjoy life to the fullest. As Robert Kennedy said: "When one of us prospers, all of us prosper. When one of us fails, so do we all." I urge my colleagues to support this resolution and give all our children a chance to prosper.

TRIBUTE TO OOIDA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BLUNT. Mr. Speaker, the Owner-Operator Independent Driver Association represents over 40,000 small business professional truckers across America. On October 9, OOIDA will celebrate 25 years of service at the grand opening of their new headquarters in Grain Valley, Missouri.

I had planned on being present at these very special ceremonies, but unfortunately the schedule of the House will prevent my participation.

The Association provides many services to its members including access to affordable health and truck insurance, training, updates on regulatory changes, and support for resources for operating a successful small business. OOIDA is also an effective advocate on its members behalf before state and federal regulatory and legislative bodies.

We need to work closely with OOIDA and their members, small business operators, to seek passage of legislation that achieves a reduction in the number of toll roads, that enhances the deductibility of meals, travel and health insurance expenses, and legislation that reduces the tax burden on all small entrepreneurs. We must stand with OOIDA to eliminate onerous regulations and as partners to rebuild our transportation infrastructure.

On this day, we offer our appreciation for the outstanding achievements of Jim Johnston, President of OOIDA, OOIDA's board of directors and the independent truck drivers who deliver every day for us all.

HAPPY 11TH ANNIVERSARY TO THE COUNCIL OF KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BURTON. Mr. Speaker, I rise today to observe and pay tribute on the occasion of the eleventh anniversary of the Council of Kahlistan. Wednesday, October 7th, marked eleven years since the Sikh people of Punjab declared their independence from India, naming their new country Khalistan. Immediately after this declaration, they appointed the Council of Khalistan to lead their struggle for independence. Since then, under the leadership of Dr. Gurmit Singh Aulakh, the Council has conducted a peaceful, democratic, nonviolent effort for a free and sovereign Khalistan.

I believe that the breakup of India is inevitable, despite the brutal campaign of state terrorism which is designed to hold it together by force. Even Sharad Pawar, the Leader of the Opposition in the Indian Parliament, recently said that if India does not get its house in order quickly, it could fall apart like the Soviet Union. He joins Nehru biographer Professor Stanley Wolpert, Columbia University Professor Ainslee Embree, and Dr. Jack Wheeler of the Freedom Research Foundation, who have all predicted India's breakup.

India's desperation to keep its multinational state together is showing. Recently the Vishwa Hindu Prashad (VHP), a Hindu fundamentalist organization affiliated with the Fascist RSS, praised the rape of four Catholic nuns in the state of Madhya Pradesh, calling the rapists "patriotic youth" and calling for all foreign missionaries to be expelled from the country. The ruling BJP, which was elected on a Hindu Nationalist platform, is the political wing of the RSS. So much for Indian secularism! Clearly, there is no place for Christians in Indian democracy. There is no place for Sikhs, Muslims, aboriginal Dalits, Tamils, Assamese, Manipuris, or other ethnic and religious minorities either.

Recently, a large group of Sikh and Kashmiri protesters showed up at the United Nations headquarters to protest the visit of Indian Prime Minister Atal Bihari Vajpayee. They chanted slogans of independence for their people, and they attempted to inform the public about India's human-rights violations. The flyer they circulated read, "A religiously intolerant country can never be democratic."

Earlier this year in New Delhi, at the largest internal protest against Indian nuclear weapons tests, demonstrators carried signs that read, "We are Sikhs, not Indians." This is a strong expression of the Sikh Nation's demand for freedom. Still India continues its efforts to keep the country together by force.

India votes against the United States at the United Nations more often than any other country, except Cuba. It even publicly endorsed the Soviet invasion of Afghanistan. According to published reports, India has also provided the raw materials for nuclear development to Iran and other anti-American countries.

The Congress should move immediately to support freedom and real stability in this troubled region. We must maintain the sanctions that have been put in place against India. In addition, we should cut off the aid that helped build India's nuclear weapons. My colleagues should also vote to support the Sikhs and Kashmiris in their struggle for freedom by demanding a free and fair plebiscite in those states, so that they themselves can determine their future in a democratic way. This is the only way to make sure that the breakup of India comes about peacefully like the former Soviet Union, not violently. Taken together, these steps will ensure that all the people and nations of South Asia can live in freedom, peace, prosperity, and dignity.

I am placing the article on Sharad Pawar into the RECORD for the information of my colleagues.

[From the India-West, August 7, 1998]

INDIA MAY SUFFER SOVIET FATE: PAWAR

PUNE (PTI)—The leader of opposition in the Lok Sabha Sharad Pawar Aug. 2 expressed the fear that the country might go the erstwhile Soviet Union way unless concerted efforts are taken to strengthen its economy in the wake of international reaction to its carrying out nuclear tests.

Pawar was speaking at a function to release a book, "Hiroshima," by noted Marathi writer D.B. Kher on the after effects of bomb explosion in Japan Aug. 6, 1945.

Pawar said through the erstwhile USSR was a nuclear power it collapsed, and added that India should not become over-confident after the Pokhran-II tests.

He said India should also be very vigilant as the economy of Pakistan was in the doldrums. It might take any dangerous step out of frustration. "We should not forget the fact that Pakistan had a history of aggression against India and hence we should be on guard," he said.

CONFERENCE REPORT ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I want to thank Chairman JERRY LEWIS and Ranking Member LOUIS STOKES, of the Appropriations Subcommittee on VA, HUD and Independent Agencies, for their cooperation in awarding federal funds under the Economic Development Initiative for two of the most heavily-used bike paths in the Boston area.

We have received $250,000 for the Arlington-Boston bike path and $150,000 for the Minuteman Commuter Bikeway. Bicycling is very popular in Boston, and throughout the Commonweath of Massachusetts.

There are many tangible benefits to bicycling. It improves heath and fitness while reducing traffic congestion, air pollution and commuting time to work each day.

The funding awarded for the bike paths through the Economic Development Initiative will enhance these benefits. The funds awarded for the Arlington-Boston bike path will allow construction to proceed on completing a 15-mile commuter and recreational bike path from Bedford to Boston.

The Arlington-Boston bike path will provide a direct connection to the Charles River and to the existing Dudley Bike Path to downtown Boston along the Watertown Branch of the Boston and Maine Railroad.

The funds awarded for the Minuteman Commuter Bikeway will provid a rail-trail connecting the existing Minuteman Commuter Bikeway in Cambridge with the Charles River Bikeway in Boston, leading to downtown Boston.

It is estimated that an automobile emits 62 pounds of carbon dioxide a year. It is also estimated that the average trip length to work in Boston's Central Business District is 12 miles. For each person who chooses to ride a bike to work rather than drive a car, the air in Boston is relieved of 12 grams per trip of volatile organic carbon, 14 grams per trip of nitrogen oxides and 120 grams per trip of carbon monoxide.

Mr. Speaker, this clearly demonstrates that bicycling expands the recreational opportunities for Boston area residents, while contributing to a more healthful environment by reducing traffic congestion.

TRIBUTE TO MRS. JESSIE TRICE ON THE CELEBRATION OF HER RETIREMENT ON OCTOBER 17, 1998

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct privilege to rise and pay tribute to one of my community's unsung heroines, Mrs. Jessie Trice, Director of Miami's Family Health Center. Her countless friends and admirers are honoring her on October 17, 1998 in recognition of the longevity of her legacy to the poor and underserved families.

Mrs. Trice truly represents the noblest of my community. Having dedicated a major portion of her life to making the health care system work on behalf of the less fortunate in Miami-Dade, she was relentless in her development of innovative family health services program that responded to the crying needs of our community's poor. Hers was indeed a crusade of love and commitment that maximized understanding and compassion for countless destitute families who severely lack the financial wherewithal to have their health care move up through the labyrinth of the bureaucracy.

Under her leadership many lives have been saved and countless families have been rendered whole because of her dedication to create accessibility to affordable health care services. She was virtually the lone voice in the wilderness in exposing her righteous indignation over the hopelessness of countless individuals who through the various crises of poverty rendered them helpless before obtaining affordable quality health care.

Furthermore, she has been forthright and forceful in advocating the early recognition of the problems of HIV disease which causes AIDS. Under her tutelage the Family Health Center initiated the first screening and testing programs in the community and initiated organized educational programs for its patients long before the crisis was recognized and federal, state and local funding became available. Her sensitivity toward those who came to the Center for counseling knew no bounds, and she was likewise untiring in seeking the appropriate health care guidance for them.

In a September 3, 1998 Miami Times write-up, Mrs. Trice was genuinely lauded as a health care provider par excellence who ". . . has shown courageous leadership, insisting that high quality services must be provided in the community and be developed with constant community input and collaboration."

The consecration of her life serves as an example of how much difference a committed crusader can truly make in behalf of the less fortunate. Almost singlehandedly she has championed a career-long commitment to affordable quality health care services to poor families for nearly two decades.

In her stint as Director of the Family Health Center, Mrs. Trice ensured the provision of high quality, accessible health care to more than 60,000 residents of Liberty City, Hialeah, Brownsville, Little Haiti and other areas northwest of Miami-Dade County. During those harrowing times of cutbacks in health and social services funding at the federal, state and local levels, the Miami Times recalled, ". . . Mrs. Trice's innovative and uncompromising commitment enabled it to maintain its critical services, while leading efforts to ensure effectiveness and a caring approach were not compromised."

Mrs. Trice truly represents an exemplary community servant who abides by the dictum that those who have less in life through no fault of their own should somehow be lifted up by those who have been blessed with life's greater amenities. As a gadfly among Miami-Dade County's health care professionals, she is wont to prod her colleagues toward ensuring that both political and bureaucratic leadership find a way to develop programs in and of the community, despite the risks.

As one of those hardy spirits who chose to reach out to those living in public housing projects, Mrs. Trice thoroughly understood the accouterments of power and leadership. She sagely exercised them, alongside the mandate of her conviction and the wisdom of her knowledge. The crucial role she played all these years in developing affordable quality family health care evokes a genuine humility as she is wont to say that ". . . the accolades are not important. What is important is that my community receive the recognition of its strength, despite the adversity, and help for the disproportionate share of the problems it confronts everyday."

Her word is her bond to those who dealt with her, not only in moments of triumphal exuberance in helping many of the poor turn their lives around, but also in her resilient quest to transform Miami-Dade county into a veritable caring community.

Tonight's tribute is genuinely deserved! I truly salute a very dear friend in behalf of a grateful community and I bid her Godspeed.

HONORING KATHLEEN MARY O'CONNELL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. RANGEL. Mr. Speaker, as we approach the end of the 105th Congress, I want to recognize Kathleen Mary O'Connell who served on the Committee on Ways and Means staff from May of 1991—until her recent death from cancer on August 29, 1998.

Kathleen's fine reputation and professional skills are well known to all. She was smart,

dynamic, charming, quick, a fabulous staffer, an excellent economist, and, most important, a good friend.

Our great sense of loss for Kathleen will continue each day. We always will remember Kathleen fondly.

Kathleen was a graduate of Smith College, and received her master's degree in economics from Duke University. Thereafter, she worked for fifteen years for the Congressional Budget Office, and then for more than seven years for the Committee on Ways and Means.

Kathleen cared about our Federal Government, its programs, and its policies. Most important, Kathleen wanted to make a difference and she did. Kathleen was key staff to all of the tax bills pending before the Committee during her tenure. She provided thorough and critical analyses of the economic, tax, and budgetary implications of legislation under consideration. She argued for fairness and policy decisions that benefitted the average American. Kathleen was a public servant who all of us are proud to have known.

On behalf of the Members and staff of the Committee on Ways and Means, I want to say that we will miss you always, Kathleen.

TRIBUTE TO DANTE FASCELL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, we wish good health to one of the most distinguished retired members of this body in recent history, former Congressman Dante Fascell.

For 38 years, Congressman Fascell proudly and effectively represented the 19th Congressional District of Florida, rising to become the Chairman of the House Foreign Affairs Committee.

His deliberative, thoughtful manner brought Dante great respect from his colleagues, Democrats and Republicans alike.

He left his stamp not only on domestic policies, but particularly on a wide range of foreign policy initiatives where he promoted the American values of freedom, democracy and justice.

Congressman Fascell was instrumental in the passage of the landmark legislation, The War Powers Act, that assures that Congress has a say before our fighting men and women are sent to harm's way.

His fight for freedom and democracy also extended to the suffering people of Cuba.

For decades, Dante was a leading voice condemning the violation of human rights on the island committed by the Castro dictatorship.

All of us from South Florida who cherish his friendship hope that soon Chairman Fascell will be back on his feet enjoying his beloved grandchildren and all his family.

TREATMENT OF CHILDREN'S DEFORMITIES ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Treatment of Children's Deformities Act, legislation that prohibits insurers from discriminating against children born with deformities by denying coverage of reconstructive surgery. Children should not only be provided reconstructive surgery to improve the function of a part of the body, but also should be given the opportunity to face the world with a normal appearance. Insurers would like for you to think that such surgery is merely cosmetic—parents of children dealing with the physical and psychological effects of such deformities would beg to differ.

Today, approximately seven percent of American children are born with pediatric deformities and congenital defects such as birth marks, cleft lip, cleft palate, absent external ears and other facial deformities. A recent survey of the American Society of Plastic and Reconstructive Surgeons indicated that over half of the plastic surgeons surveyed have had a pediatric patient who in the last two years has been denied, or experienced significant difficulty in obtaining, insurance coverage for their surgical procedures.

Some insurance companies claim that reconstructive procedures that do not improve function are not medically necessary and are, therefore, cosmetic. America's physicians recognize an important difference between reconstructive and cosmetic surgery to which this bill calls attention. The American Medical Association defines cosmetic surgery as being performed to reshape normal structures of the body in order to improve the patient's appearance and self-esteem. They define reconstructive surgery as being performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease.

The Treatment of Children's Deformities Act acknowledges the importance of the AMA's definitions and requires that managed care and insurance companies do the same. The problems that Americans across the board are experiencing with various managed care companies who place cost over quality care is infuriating enough, but when it affects the physical and emotional well-being of children, Congress must be willing to put our foot down.

Please join me in defending the needs of children with deformities and congenital defects and their families by cosponsoring this important bill.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CHENOWETH. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a speech given by Carol LaGrasse of the Property Rights Foundation of America to the Eagle Forum National Conference on September 12, 1998 in Arlington, Virginia. This speech is one of the most insightful discussions about the dangers of the American Heritage Rivers Initiative which my bill, H.R. 1842, would terminate. I encourage my colleagues to read this outstanding speech and share it with their constituents.

THE AMERICAN HERITAGE RIVERS PROGRAM—A THREAT TO PRIVATE PROPERTY RIGHTS

Thank you for the opportunity to discuss President Clinton's American Heritage Rivers program, a new federal executive program of designating selected major rivers supposedly to preserve their natural, cultural and historic resources.

INTRODUCTION

The American Heritage Rivers program, if successful, promises to diminish local representative government and private property rights. The program is also justifiably opposed because it involves many of the same parties and extreme preservation thinking of international programs such as the un-ratified Convention on Biological Diversity that came out of the 1992 Rio Earth Summit. But I would like to offer an experience that illustrates the need not to concentrate too much on a single focus in opposing designation programs.

About two years ago, a woman telephoned me at home one morning at 6:30 a.m. She was upset because a land conservancy was going to acquire a tract of forest property from her town of Ellenville, N.Y. Because the UNESCO Biosphere Reserve for the Catskill Mountains, which would have included her town, had recently been defeated, she was concerned about the United Nations. She thought that the property could be somehow going into the hands of the United Nations.

I said to her that in the long term it could be that if we don't remain in control of our government and matters like this it could very well be that the United Nations would be involved in owning and governing land in the Catskills, but that it was important to oppose the land trust acquisition of the property for other reasons. Usually when that land trust acquires property it is for a flip to government under a prearranged deal, I said. While the land trust owns it it does not pay real estate taxes. They may block hunters and fishermen from using the land and generally keep it in a way that it doesn't serve the public from the area forced to give the tax exemption. When the State acquires the land, the town will have little say in how the tract is managed, and the town will be endlessly in conflict with the State over the tax revenues that should be due on the tract. She said that a meeting about the matter was to be held that very evening, and I suggested that before she left for work she follow through with a discussion with the town supervisor and persuade him to consider these issues.

She called the Property Rights Foundation back in a day and left the message because no one was in. She said, quoting almost verbatim, "I called the supervisor and spoke to him. He assured me that the United Nations was not going to acquire the land. I just wanted to let you know that there was nothing to worry about."

Please remember this story, because, in one way or another, it illustrates a number of points. The threat from programs which I call land designations, including the UNESCO Biosphere Reserves and the Clinton

American Heritage River pronouncements, is not singular, but multitudinous. We should not focus on the long-term, exotic threat to the neglect of the practical, mundane immediate and short-term.

When you consider that it was I that exposed the UNESCO Biosphere Reserve programs in New York, my husband Peter who with the assistance of my brother at Penn State extract the documents from libraries from New York to Australia to understand the Biosphere Reserve program, and I who was not unjustly blamed for the defeat of the Catskill Mountains Biosphere Reserve, you should not have difficulty accepting my assertion that I have grave concerns about international involvement through such designations. But I consider the sovereignty issue to be one of long-term significance and that at the real and more short-term dangers of such designations, which I will soon be describing, are the essential threat. If we cannot convey these dangers, we do not understand how such designations affect our freedom. We will fail to either monitor them adequately or defeat them. Ultimately, we truly will suffer, in addition, through the loss of national sovereignty. How will this happen? At least in part by more of the same sort of infringements on our rights, imposed by very similar methods. It will be pitiful, indeed, if the day arrives when we lose home-rule and representative government to a form of government which imposes control from beyond our Constitution and borders.

FINE-SOUNDING GOALS

As you know all too well, government programs that can take away your rights are often couched in very desirable terms. A familiar example is that of imposing national education standards for the purpose of solving the problem of school failure. The idea is that we need the federal government because kids aren't reading and doing math at grade level.

The same system is in vogue for environmental issues. Rivers are portrayed, truthfully or falsely, as badly polluted. Local cultures and historic sites are portrayed as threatened. The beauty of the countryside is being lost to bad land management. Lack of vision and financial resources keeps localities from tackling region-wide issues.

The federal government is seen as visionary enough, geographically big enough and having enough expertise and resources to deal effectively with these real or imagined problems. The federal government is seen as being able to solve the deterioration of the historic architecture of the downtown Main Street, even though federal post offices somehow manage to be built in startling modernistic contrast to colonial, Greek or Victorian downtowns. The federal government will save the local culture. But the federal government condemns and tears down towns with houses by the hundreds for National Parks. But what are the biggest changes in local culture in the last couple of centuries? To start—the automobile, the movement of the workplace from the home to the job site elsewhere, now of both husband and wife. The decline of rural churches, rural agriculture, the end of the one-room school house, the decline of river trade in many areas. And so on. What have these to do with federal policies? About all the federal government can do is promote local museums. If it tries to direct the evolution of the culture by central planning, even less rural prosperity will be the result. Remember-the big impact of these preservation programs is on rural, not urban, America.

But let use move aside from the issues of culture and historic preservation, often used as arguments for the American Heritage Rivers program, to the ones which are at the heart of our concern: the need to control pollution, the need to impose regional planning and the need to control the growth of population, which is related to the perceived planning need. These re the three key areas noted in the official pronouncements nebulously describing the American Heritage Rivers program, and I think that these will be the areas where property rights will be threatened.

PRESERVATIONIST LAND DESIGNATION

My field of concern is private property rights. Private property rights are fundamental to the exercise of all our freedoms. One of my special areas of interests is land designations. Land designations may be honorific, as the U.N. Biosphere Reserves purport to be; pre-zoning, as in the Northern Forest Lands program for New York, Vermont, New Hampshire and Maine; or grandiose direct regional zoning as is the federal Columbia River Gorge Commission, Lake Tahoe Commission mention by Mr. Meese last night and New York State's Adirondack Park Agency which includes 3 million acres of private land, or as were the original plans for the Hudson Valley Greenway.

I got into the problem of these designations because of a 1990 New York study, for the future of the Adirondacks where I unfortunately reside. I obtained the back-up, already- written legislation, which, in conjunction with the report, called for 2,000 acre per house zoning, removing houses where they were visible from highways, which were to become mere travel "corridors," and the acquisition of 2/3 million acres of additional government land from private property owners. I discovered two other overlapping designation programs at the same time—the Northern Forest Lands program for federal zoning over 26 million acres of land, and the Champlain-Adirondack Biosphere Reserve. South of us was the Hudson River Greenway.

We did a tremendous amount of research to ferret out the significance of the Biosphere Reserve designation. Basically, we discovered that the land areas were to be preserved, though whatever government programs are available, by dividing them into core, buffer and transition areas. Core areas, which are to have no permanent human habitation, are to be connected by corridors, also known in the international environmental circles as "land bridges."

In the preservationist's literature, much of it making most peculiar reading, the prime land bridges are considered to be the riverine corridors, the riparian strips, or, put simply, the rivers and the land along them.

Environmental thinking today is to preserve ecosystems connected by corridors. The most extreme presentation of the thinking is in the "wild lands" program, where the core areas, sometimes trumpeted as "ecosystems," are connected by corridors and gradually the cores eat up the buffer areas, the corridors become wider and wider and over the years only isolated areas of inhabited space remain within a thick grid of once small core areas and once narrow corridors. In the end, according to the leading thinkers, 90 percent of the area of the contiguous states is to become entirely wild, with cities in these areas to become only hulking ruins as reminders to the ugly days when civilization predominated. These outlandish ideas are funded lucratively by the Pew charitable trust, the Turner Foundation and others, and so have actually gained ground, but although these ideas are repeatedly in print, the environmentalists will lie through their teeth and deny them when convenient.

I oppose the American Heritage Rivers program for what it does on its face and for what it obviously represents to the environmentalists. The American Heritage Rivers program is one of the top two or three most important programs to those who support the protection of the environment through federal controls. All of these organizations, from the National Audubon Society to the National Trust for Historic Preservation to the Wildlands Project oppose private property rights.

PURPORTED PRACTICES

When speaking publicly, advocates of the American Heritage Rivers program present it as having two main purposes, easing the way of localities in their dealings with federal regulatory agencies and helping to make federal grants available to localities.

HISTORY OF PROGRAM

In my estimation, the American Heritage Rivers program is a substitute for the failed generic American, or National, Areas program which was the subject of a three-year pitched battle in Congress. This battle started in the Democratic Congress, was blocked by our friends, and then went into the Republican Congress, where the national property rights movement organized and the program was defeated. The environmentalists wanted it so badly that, behind the scenes, they offered to concede one of their hardest fought action areas, grazing reform, to have the Heritage Areas bill pass, but the property rights movement prevailed—in spite of an iffy Republican Congress. At the end of the 104th Congress, an Omnibus National Parks bill passed with a number of individual American or National Areas included, adding to the former ones, and the total of Congressional designations is now sixteen. This includes the Hudson in New York, where even Congressman Jerry Solomon, who long blocked the program, acquiesced, first under pressure from Gingrich to help a New York Democrat Maurice Hinchey in order to get Dems on board, and then in response to the local Republican machine's desire for porkbarrel. This year there is another omnibus parks bill gestating, and more American Heritage porkbarrel Areas may be designated by Congress under Republican leadership.

The President announced in his 1997 State of the Union that he would designate ten American Heritage Rivers, which surprised all of us—we are not insiders. The President's Council on Environmental Quality presented a first description of the program in the Federal Register in May 1997, and early in September 1997 the President issued his executive order with further description. All of the material is quite nebulous, but certain details and phraseology are most revealing. There were also sworn testimonies by the director of the President's Council on Environmental Quality, Katie McGinty, at a July 1997 Congressional oversight hearing and again at a September 1997 Congressional hearing on a bill to stop funding, when a number of national leaders and grassroots activists of the property rights movement spoke. I have noticed that the sworn promises of compromises by Katie McGinty are often meaningless and that the seeming concessions to home-rule in the official publication are also of no importance to the Council when an important designation like that of the entire length of the Hudson River, submitted by Governor Pataki, is under consideration. In that case the promise of the need

for community initiation and support was circumvented and the designation actually kept secret as to the areas to be included so that the touchier regions wouldn't know enough to protest.

I was invited to speak at the September 1997 Congressional hearing. You are welcome to take copies of my presentation, which was available on one of the information tables. The hearing was on Representative Helen Chenoweth's important bill H.R. 1832, to deny the use of any federal funds for the American Heritage Rivers program. There is a national drive to add to the current 52 sponsors in the House for Representative Chenoweth's bill. Copies of the bill are on the table. Please take a copy and do your best to bring your Representative on board as a co-sponsor.

The Mountain States Legal Foundation also has a lawsuit constitutionally challenging the American Heritage Rivers program—on Representative Chenoweth's behalf. By using an executive order to establish the program, Clinton has usurped the legislative power of Congress, which is a violation of separation of powers. The case is before the D.C. Circuit Court of Appeals.

EFFECTIVE MEANS TO DENY PRIVATE PROPERTY RIGHTS

The American Heritage Rivers program brings grants, computer monitoring and a juggernaut of federal agencies together with the potential to effectively increase government control over private property and thereby deny private property rights.

GRANTS AND ZONING

Using grants as the camel's nose under the tent or as the direct incentive, state and federal government agencies will effectuate the enactment of stricter local, regional or state-levels zoning. Keep in mind that the preservationists think that it is just as good if locals carry the gun for state or federal level elite planning. Basically, this type of zoning is directed to the gentrification of the countryside, and trying to preserve a beautiful, largely imagined remembrance of the countryside, with no smells, no independently practiced home industry, such as the blacksmiths of the past—the modern counterparts ranging from machine shops to junk yards and gas stations, and no mines or manufacturers as once flourished. They seek to enact a rural landscape of bucolic agriculture and forest extending beyond strictly bordered hamlets. One could spend the time of an entire conference such as this Eagle Forum and begin to touch on the ways that preservation zoning carried out on either a state or local level has destroyed businesses, ruined families and bankrupted innocent people, even sent them to jail.

Just last month I spent a weekend reviewing the pro se (without a lawyer) petition to the U.S. Supreme Court of a bankrupt Massachusetts dairy farmer. He had lost his $25 million farm and was living with his aged wife in small rented quarters. He was desperately hoping to be heard by a nation's highest court without the help of lawyers, for which he had absolutely no more money, all because of zoning enforced by a local preservationists group. We have many more such heartbreaking examples

A good example of how a voluntary federal land-use program working in conjunction with grants brings in excessive local zoning is the 1972 federal Coastal Zone Management Act. In 1996 the town of Coxsackie, New York, defeated, a so-called Local Waterfront Rehabilitation Plan, or LWRP, which was basically strict preservation-oriented zoning for the entire township, extending several miles from the river. This planning was promoted by the New York State Department of State to implement the Coastal Zone Management Act. Extremely capable, civic-minded people had to work hard to stave off this basically federal program disguised by the trappings of various state and regional agencies. Grants also promote the full complement of greenway as aspects, namely trails and land acquisition. Land regulation will pressure people into selling out.

COMPUTER MONITORING

The program description promulgated by the Council on Environmental Quality heralds the ability to instantaneously update a publicly available, computerized "state of the river" monitoring of individual river pollution, planning and population. In my opinion, this federal computer monitoring will be by geographic information systems, or GIS, or digitalized data converted on a coordinate basis to computer mapping of overlays of data. Four years ago I wrote a report exposing the Adirondack Park Agency's GIS system of about 30 databases from local assessment records to satellite space imagery. The surveillance capacity is quite serious. Just this year, it came out in the Wall Street Journal that building departments in the U.S. are contracting with the Russian space agency to obtain photos for enforcement purposes. I think that this computer monitoring is also geared to so-called citizen enforcement suits, for both pollution and zoning enforcement. People's lives have been destroyed by such suits. Logging in some national forests has come to a near halt. This year, citizen suit activists have begun bringing proceedings to stop all land activity in entire watersheds because the rivers fed by these watersheds are not up to federal standards.

JUGGERNAUT OF AGENCIES

The federal agencies which are part of the American Heritage Rivers program are the Departments of Agriculture (which includes the National Forest Service), Defense (which includes the Army Corps of Engineers), Justice, Interior (which includes the National Park Service and the Fish and Wildlife Service), Energy, Housing and Urban Development, Commerce, Transportation, Environmental Protection Agency, National Endowment for the Humanities, National Endowment for the Arts, the Advisory Committee on Historic Preservation, and the President's Council on Environmental Quality. The Corps of Engineers is evolving into the lead agency, for some reason. I have noticed that the Department of Defense is heading and providing headquarters for a Pennsylvania Heritage area program for logging heritage. These thirteen agencies form the American Heritage Rivers Interagency Committee. I think that these agencies, especially the U.S. Fish and Wildlife Service, the National Park Service, the EPA, and the Corps of Engineers, will become a juggernaut of enforcement of federal regulations and that, with their state contacts, will even enable state environmental enforcement to be more effective and harsh.

THE 1998 DESIGNATIONS

On July 30, following the recommendations of an advisory council of typical participants such as the key environmental groups and political figures from particular heritage areas, President Clinton made the first ten designations at West Jefferson in Ashe County on the New River in Virginia, near the borders of West Virginia and Kentucky. It was widely noted that President Clinton chose that location because he could simultaneously stump in Raleigh for Democrat John Edwards who is running against one of, Clinton's most outspoken opponents, North Carolina Senator Lauch Faircloth.

The first ten rivers are the Hudson, the Mississippi from St. Louis north, the Connecticut, Rio Grande in Texas, Potomac, New River in three States, Detroit River in Michigan, Hanalei in Hawaii, St. John's in Florida, and the Willamette in Oregon. Movement has already started toward adding the rest of the Mississippi, the Susquehanna and Lackawanna watershed and certain rivers in Massachusetts.

The Hudson, Connecticut and northern Mississippi Rivers could potentially make up so much area that it's hard to imagine that selection of grants would be narrowed. It is impossible to know how much area on each side of a river will be included. When I led a contingent of national grassroots property rights leaders to interview Katie McGinty in June 1997, and we asked her this question, she made the odd statement that a watershed varies in its definition. Since a watershed is a scientific term defining geography, this was surprising. But her non-answer did reveal that the designation could be wider than the usual county width for Heritage areas.

I have spent about nine years exposing such designations, including those involving the UN. This one has the noxious characteristics typical of the thinking of the internationalist crowd who not only think of local government as their tool but also think that way of state and the U.S. government.

These are practical matters affecting people today, however. To return to my New York State example, nobody is going back to Congress to ask to repeal the 1972 Coastal Zone Management Act because in 1998 a little town of Coxsackie in New York is worried about the LWRP zoning for the entire town. Five, ten or twenty years from now the layers of bureaucracy implementing facets of the American Heritage Rivers program will become unfathomable. Law enforcement is confusing enough today. Federal, State, and local law overlap to regulate wetlands, for instance.

During the founding period of this nation, the founders did not want amorphous layers of government whose responsibility for particular impacts was disguised or unclear. They decided that the federal government should rule directly where federal powers applied, rather than coerce the states to pass laws. Today, people have trouble knowing the source of rules regulating their lives. I can describe how federal flood insurance law is carried down through the federal government to the state to the local enforcer, but can one of 100 citizens do this?

The courts have not held that federal incentives to pass state or local laws are unconstitutional, but I believe that these incentives result in a wrongful blurring of responsibility. I think that the same lines of reasoning that argue against the federal government compelling states to regulate apply to the federal government offering or withholding financial aid to persuade States to regulate.

In 1992 when New York blocked the United States government from forcing the State to adopt its own nuclear waste, the U.S. Supreme Court said, "* * * where a Federal Government compel states to regulate, the accountability of both state and federal officials is diminished."

People who have the frustration of dealing with this shuffling of responsibility when

federal incentive programs are carried out at the local level do indeed currently experience lack of accountability.

SUMMARY

In opposing the American Heritage Rivers program, we have to fight on the basis of an undefined program. We can argue against the American Heritage Rivers program

(1) on the basis that the reasons offered for the program—grants and alleviation of regulatory problems—are not a logical explanation for it;

(2) on the basis of experience with other pre-zoning programs and seeing how pre-zoning designations pan out;

(3) on the basis of who the program's advocates are and what they have been broadly seeking;

(4) on the basis of the involved agencies and how they have already negatively affected private property rights and local representative government and;

(5) and on the basis of the description of the program.

There is no American Heritage Rivers program description which says in the regulatory language normally promulgated that party A writes the grant terms, party B finds the grants for interested entities, and party C sets the terms for modifying local laws and effectuating certain programs in order to get the grants or the regulatory relief.

On another note, there is certainly no party D who holds hearings and lays out the economic implications of the specifics of the program under the requirements of the National Environmental Policy Act, NEPA.

Published descriptions of the program do not spell out how the environmental preservation groups plan to utilize the computerized state of the river information.

There is nothing in writing that spells out how agencies will be more effective. It is supposedly just better internal management. And other agencies say that GIS is supposedly non-threatening.

In opposing the program, as we did in opposing the Congressional program, we argue most simply that the American Heritage Rivers program is a very large scale attempt to impose national zoning. It is a part of a long pattern of unsuccessful and successful steps to impose federal control of land-use. The 1970's Jackson-Udall Congressional effort at national zoning was defeated, but many subsequent programs with great effectiveness at such federal control of land-use are in place—wetlands and endangered species protection being the most far-reaching.

STOP THE VIOLENCE IN KOSOVA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BONIOR. Mr. Speaker, for the past two hundred and fifteen days, the people of Kosova have endured unfathomable brutality and suffering at the hands of Serbian-Yugoslavian authorities.

Over four hundred thousand ethnic Albanians were forced to leave their homes, and more than seven thousand were murdered.

Tragically, these atrocities are still happening.

Homes and villages are being burned, and innocent civilians, including women and children, are being slaughtered.

For nine years, Serbia has repressed and harassed the people of Kosova.

Leaders of the Western world were continuously warned about the distressful situation in Kosova.

But the Western world did not heed those warnings.

In fact, we are still sitting on the sidelines, while we debate what to do.

This indecisive behavior is allowing Slobodan Milosevic to carry out his campaign of ethnic cleansing, violating the human rights of the people of Kosova.

The West must act, and if the West does not act, the United States must act. We cannot wait.

We must remember the commitments that have been made to protect ethnic Albanians in Kosova.

We must not stray away from those commitments now, even though it means making difficult decisions.

We brought peace to the people of Bosnia only after we showed Milosevic that his brute force would be countered with swift and decisive military action.

Now is the time to make sure he knows he faces the same consequences if the violence in Kosova is not put to a stop.

The people of Kosova are being brutalized, and we must not allow it to continue.

HONORING MR. LARRY J. CRISMON FOR HIS 13TH PASTORAL ANNIVERSARY OF BRIGHT TEMPLE CHURCH OF GOD IN SHELBYVILLE, TN

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Larry J. Crismon and his thirteen years of service as the pastor of Bright Temple Church of God in Shelbyville, Tennessee.

On Sunday, October 11, 1998 the congregation of Bright Temple will come together to honor Pastor Crismon and his wife Audrey for their dedication to the church and their service unto God. I would like to join the congregation in its celebration of the long and distinguished career of Pastor Crismon.

Pastor Crismon's service extends beyond the walls of his church. He has been active in community affairs by serving on the boards of the Red Cross, United Way, Ministerial Alliance, Vocational Advisory Committee, Families First, Child Development Center, Bedford Countains United For a Better Tomorrow, South Tennessee Counseling Association, Tennessee Eastern Second Jurisdiction, and Auxiliaries in Ministry. There is no question that Pastor Crismon's tireless work has made his community a better place for all of its people.

I congratulate Pastor Crismon on his accomplishments and wish him many more years of providing spiritual guidance and community leadership to the people of Shelbyville, Tennessee.

TRIBUTE TO THE HONORABLE HENRY HYDE

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CALLAHAN. Mr. Speaker, I rise today to share a recent article by syndicated columnist James Pinkerton that pays tribute to the Honorable Chairman of our Judiciary Committee, HENRY HYDE.

The article eloquently points out that Henry is a man of great integrity and unmatched character. Not only has he served us well in the House, but also bravely served our country in combat. I respectfully request that the article be placed in the RECORD so that we can all catch a glimpse into Henry's great contributions and selfless work for this country.

[From the Los Angeles Times]

DON'T ATTACK HYDE FOR INDISCRETIONS OF DECADES AGO, HE'S PAID HIS DUES

(By James Pinkerton)

For two centuries, Henry Hyde said Monday, "Americans have undergone the stress of preserving their freedom." The chairman of the House Judiciary Committee, born in 1924, has been alive for a third of that time, yet most Americans probably didn't know of him until recently.

So who is Henry Hyde? For most of his 23 years as a congressman from Illinois, he has been known for his opposition to abortion. Yet he will also be remembered now as the "family values" conservative who had a four-year affair with a woman other than his wife. Hyde acknowledged the relationship, but the less-than-wisely referred to his 40-something fling as a "youthful indiscretion."

But, if Hyde thinks 40 is young, that might be because he grew up too soon. Because, if what he did three decades ago is of interest, what he did five decades ago, when his country needed him, should be remembered as well.

Hyde joined the Navy at 18, foregoing a basketball scholarship to Georgetown University. For young men such as Hyde, there was no choice after Pearl Harbor. "It was our turn, we did our duty," he said in a recent interview.

Commissioned as an ensign in 1944, he commanded an LCT (landing craft, tank). "A floating bed pan," he called it. His baptism by fire came on Jan. 9, 1945, when Americans went ashore at Lingayen Gulf, in the Philippines.

Hyde remembers that operation more as hard work than as heroism: "Day and night, loading and off-loading." The hardest part of his job, he added, was finding his mother ship out in the bay at night: "We all had to keep our lights off," Why? "Kamikazes," he answered simply. Indeed about 150 Japanese suicide aircraft hurled themselves at U.S. ships during the Lingayen landing, sinking 17 vessels and damaging 50.

One who also remembers the kamikaze attacks at Lingayen is Bob Stump, now a Republican congressman from Arizona. As a teenager, he was a medic abroad the carrier Tulagi, "You'd heard the five (anti-aircraft guns) firing and you'd know they were coming," Stump remembered recently. "Then you'd hear the 40 millimeters firing and you'd know they were close. Then you'd hear the 20 millimeters firing and you'd know they were on top of you." Total U.S. Navy

fatalities for the Philippines campaign amounted to 4,336.

Despite spending four years of his young life in the Navy, Hyde graduated from Georgetown University at 23; he was eager, like the rest of the GI generation, to get on with his life. Yet he gets a reminder of the war every time he flies home and lands at O'Hare International Airport, which lies within his suburban Chicago district. It is named for Edward "Butch" O'Hare, a Navy pilot in the Pacific who earned the Medal of Honor in 1942 and was killed the next year. He was 29. "Most people have no idea what he did." Hyde observed, "which is a shame."

A half-century later, some are furious that Hyde is investigating Bill Clinton, who is also a Georgetown alumnus—although one who never let military service interrupt his academic career, *Salon* the online publication, first revealed Hyde's long-ago affair. Mustering up the sort of faux courage appropriate for a faux magazine, the editors declared that they were, in pushing the story, "fighting fire with fire."

Fire? Hyde, Stump and 12 million more were touched by fire during World War II After surviving the Big One. Hyde regards the word-warriors of Washington as unpleasant, perhaps even stressful, but not particularly intimidating.

Hyde's enemies will no doubt continue to attack, while friends such as Stump, who did not meet his fellow Pacific theater vet until the 1970s, will continue to admire. "Henry is probably the most respected and brightest person here," Stump said.

But Hyde's reputation will surely survive because it is rooted in service to the nation that began before the incumbent president was even born. Asked to sum up his current mission, Hyde said, "We have an obligation to make America the kind of country those guys died for." From most politicians, such talk is cheap. But from Hyde, it is precious, because it was paid for in for in the oft-forgotten currencies of duty, honor and sacrifice.

INTRODUCTION OF THE ALL-PAYER GRADUATE MEDICAL EDUCATION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CARDIN. Mr. Speaker, I rise today to introduce the All-Payer Graduate Medical Education Act, legislation that I have authored to improve the funding of America's teaching hospitals and to ease the burden on the Medicare Trust Fund. In introducing this legislation, I do not seek to preempt the important work of the National Bipartisan Commission on the Future of Medicare, but rather, to present a concrete proposal for consideration by Congress.

We have recently learned that medical care costs will double in the next 10 years. Health care budgets, including Medicare, will be caught in the vise of increasing costs and limited resources. We must try to restrain the growth of Medicare spending, while protecting our teaching hospitals that rely on Medicare and Medicaid as major sources of funding for graduate medical education.

America's 125 academic medical centers and their affiliated hospitals are vital to the Nation's health. These centers train each new generation of physicians, nurses and allied health professionals, conduct the research and clinical trials that lead to advances in medicine, including new treatments and cures for disease, and care for the most medically complex patients. To place their contributions in perspective, academic medical centers constitute only 2 percent of our Nation's non-Federal hospital beds, yet they conduct 42% of all of the health research and development in the United States, provide 33% of all trauma units and 31% of all AIDS units. Academic medical centers also treat a disproportionate share of the Nation's indigent patients.

To pay for training the Nation's health professionals, our academic medical centers must rely on the Medicare program. But Medicare's contribution does not fully cover the costs of residents' salaries, and more importantly, this funding system fails to recognize that graduate medical education benefits all segments of society, not just Medicare beneficiaries. At a time when Congress is constantly reviewing and revising the Medicare program to ensure that the Trust Fund can remain solvent for future generations, GME costs are threatening to break the bank.

The All-Payer Graduate Medical Education Act will distribute the expense of graduate medical education more fairly by establishing a Trust funded by a 1% fee on the health care premiums. Teaching hospitals will receive approximately two-thirds of the revenue from the Trust, while the remaining third, approximately $1 billion yearly, will be used to reduce Medicare's contribution. The current formula for direct graduate medical education payments is based on cost reports generated more than 15 years ago, and it unfairly rewards some hospitals and penalizes others. This bill replaces the current formula with a fair, national system for direct graduate medical education payments based on actual resident wages.

Critics of indirect graduate medical education payments have complained that hospitals are not required to account for their use of these funds. The All-Payer Graduate Medical Education Act requires hospitals to report annually on their contributions to improve patient care, education, clinical research, and community services. The formula for indirect graduate medical education payments will be changed to more accurately reflect MedPAC's estimates of true indirect costs.

My bill also addresses the supply of physicians in this country. Nearly every commission studying the physician workforce has recommended reducing the number of first-year residencies to 110% of American medical school graduates. This bill directs the Secretary of HHS, working with the medical community, to develop and implement a plan to accomplish this goal within five years. An adequate supply of medical providers is vital to maintaining America's health and containing our health care costs.

Medicare disproportionate share payments are particularly important to our safety-net hospitals. Many of these hospitals, which treat the indigent, are in dire financial straits. This bill reallocates disproportionate share payments, at no cost to the federal budget, to hospitals that carry the greatest burden of poor patients. Hospitals that treat Medicaid-eligible and indigent patients, will be able to count these patients when they apply for disproportionate share payments. In addition, these payments will be distributed uniformly nationwide, without regard to hospital size or location. Rural public hospitals, in particular, will benefit from this provision.

Finally, because graduate medical education encompasses the training of other health professionals, this bill provides for $300 million yearly of the Medicare savings to support graduate training programs for nurses and other allied health professionals. These funds are in addition to the current support Medicare provides for the nation's diploma nursing schools.

The All-Payer Graduate Medical Education Act creates a fair system for the support of graduate medical education—fair in the distribution of costs to all payers of medical care, fair in the allocation of payments to hospitals. Everyone benefits from advances in medical research and well-trained health professionals. Life expectancy at birth has increased from 68 years in 1950 to 76 years today. Medical advances have dramatically improved the quality of life for millions of Americans. Because of our academic medical centers, we are in the midst of new era of biotechnology that will extend the advances of medicine beyond imagination, advances that will prevent disease and disability, extend life, and ultimately lower health care costs.

Although few days remain in the 105th Congress, the valuable services performed by America's academic medical centers are never-ending. I am introducing this bill today for consideration by Congress, the Bipartisan Commission on the Future of Medicare, and the numerous provider and patient communities who will be affected by its provisions. When the 106th Congress convenes early next year, I will reintroduce the bill.

I urge my colleagues to join me in protecting America's academic medical centers and the future of our physician workforce, the wellsprings of these advances, by cosponsoring the All-Payer Graduate Medical Education Act.

HONORING DR. JUAN ANDRADE, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate one of Northwest Indiana's most distinguished citizens. Dr. Juan Andrade, Jr., of Griffith, Indiana, was recently selected to receive the 1998 Hispanic Magazine's Lifetime Achievement Award. The award was presented to Dr. Andrade in San Francisco on August 25, 1998. Presented by Bank One, this award is in recognition of Dr. Andrade's career as a community organizer, national leader, television commentator, motivational speaker, and co-founder of the United States Hispanic Leadership Institute (USHLI).

Born in Brownwood, Texas, Dr. Andrade began his lifelong quest to empower Hispanic

Americans while still a youth. He credits his mother, Julia Andrade, for instilling in him a sense of humor and a strong work ethic. Dr. Andrade utilized both while working through twelve years of public school and five years of college. Since beginning his distinguished career over thirty years ago, Dr. Andrade has made headlines as the first Latino in the nation to be arrested for using his Spanish-language skills to teach high school civics, the first Latino State Director for nonpartisan voter registration in Texas, the youngest Chairperson of a Community Action Agency in Texas, and the only Latino political commentator on an English-language television station (WLS–TV, ABC's Chicago affiliate) in the nation for six years. In addition, Dr. Andrade was an influential organizer of the United States Hispanic Leadership Conference (USHLC), now in its sixteenth year.

Indeed, through his outreach, political expertise, and motivational speaking, Dr. Andrade has influenced a whole generation of young Hispanic American leaders. To further their education and opportunities, the "Juan Andrade Scholarship for Young Hispanic Leaders" was established in recognition of his tireless efforts to motivate and train young Hispanic leaders. Since 1994, this fund has awarded over one hundred thousand dollars in scholarships to young Hispanic leaders. Moreover, Dr. Andrade has not only influenced many of our nation's future leaders, he has influenced and helped mold many of today's business, civic, and national leaders. His exemplary efforts have been acknowledged by many; he has been named the "Chicagoan of the Year" by the Chicago Sun-Times, one of the "100 Most Influential Hispanics in America" three times by the Hispanic Business Magazine, and a "Distinguished Alumni" by Howard Payne University. Though Dr. Andrade has been honored for his lifetime achievement, he intends to continue his endeavors. In addition, he plans to spend time with his wife, Maria Elenia, and their four children and two grandchildren.

As President John F. Kennedy said, "It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won." His words are as poignant now as they were on that Fourth of July in 1960. As our country heads into the twenty-first century, we must address many new problems and issues. Dr. Andrade is preparing tomorrow's leaders to deal with these multi-faceted problems and issues.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Dr. Juan Andrade, Jr. for his selection as the 1998 recipient of Hispanic Magazine's Lifetime Achievement Award. Dr. Andrade's efforts to train a new generation of leaders to solve our future problems and create new opportunities for our nation is the work of a true visionary. His vision and self-sacrificing labors to accomplish his goals have positively changed our country for the better. From Indiana's First Congressional District to Washington, D.C., we have seen the Hispanization of America. I am confident that with dedicated, upstanding citizens like Dr. Andrade helping our young people mature into adult leaders, the future of the United States is safe and in good hands as we enter the twenty-first century.

RECOGNIZING THE WORLD WAR II VETERANS OF "IVORY SOAP"

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise today to recognize some 5,000 World War II veterans of "Ivory Soap," a most unusual team of Army Air Forces, Navy Armed Guards, and civilian Merchant Marines who have gone unrecognized for 53 years for their contributions in bringing peace to the Pacific war. During 1944 and 1945, they served aboard 24 specially modified Liberty and auxiliary ships that operated as floating aircraft depot repair and maintenance shops. These supported our bomber and fighter forces on the front line of battle during the pacific island hopping campaigns.

Hundreds of B–29 bombers and P–51 fighters returned to battle to fight again because of these depot and maintenance ships. This is another one of the never-told stories out of the dust vaults of declassified secret records. This story was uncovered by one of the ship's crew seeking his comrades for a reunion. Only in the last few years have these documents been released to the public.

The project's code word was "Ivory Soap," appropriately selected, because "it floats." This effort was so important to our air war in the Pacific that the Joint Chiefs of Staff were directly involved in its development. Because of the secret classification and the dispersal among the islands of these ships, few of the veterans ever knew of the extent and effectiveness of their tasks.

Now that the word is out, a group of veterans from the ships have begun a search to find their shipmates so they may hold combined reunions to share their pride in being part of this special project.

A combined reunion began today in Washington, D.C., and will run until October 11, 1998. The surviving veterans' ages run from their 70s to their 90s. I extend my best wishes and salute our heroes for their contributions and service to this great country. May the reunion brighten their spirits and bring together their comrades to renew old frienships.

A TRIBUTE TO LT. ELPIDIO "PETE" RAMIREZ ON THE OCCASION OF HIS RETIREMENT AFTER 26 YEARS OF SERVICE TO THE LOS ANGELES CITY HOUSING AUTHORITY POLICE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. TORRES. Mr. Speaker, I rise today to recognize Lieutenant Elpidio "Pete" Ramirez on the occasion of his retirement from Los Angeles City Housing Authority Police Department, after 26 years of dedicated service.

In 1957, Pete graduated from Cathedral High School. After graduation, he joined the United States Navy where he served on the USS Fortified, the USS Wabash and the USS Esteem. In the Navy, he reached the rank of Fireman First Class. Pete received an Associate of Arts Degree from Rio Hondo Community College, and in March 1980, he graduated from the Golden West Policy Academy.

Pete began his law enforcement career with the Baldwin Park Police Department as a Reserve Police Officer in 1960. In 1964, he transferred to the Montebello Police Department where he served as a Reserve Police Sergeant. After his five years with the Montebello Police Department, in 1969 Pete transferred to the United States Marshals Service.

In 1971, Pete joined the Los Angeles City Housing Authority Police Department. As a police officer with the Housing Authority, he served in several assignments including patrol and footbeat. On one occasion, while Pete was handling a routine call, he was ambushed and sustained severe gun shot wounds which caused life-long injuries to his back. After recovering from his injuries, Pete continued working for the Housing Authority Police Department. In 1983, Pete was promoted to the rank of Sergeant and in March of 1994 he was promoted to Lieutenant.

Pete's career as a public servant is highlighted by over 20 years of service as an elected official. He served on the El Rancho Unified School District Board of Education from 1976 to 1993. In 1997, he was elected to the Pico Rivera City Council. He is also a member of the American Legion and the Optimist Club.

In his retirement, Pete will spend his time with his wife Socorro, his children and grandchildren, including his 2 year old grand-daughter, Whisper, who currently lives with him in Pico Rivera, California.

Mr. Speaker, on June 17, 1998, Pete retired from the Los Angeles City Housing Authority Police Department. I ask my colleagues to join me in saluting Elpidio "Pete" Ramirez for his loyal and dedicated service to the Los Angeles City Housing Authority and the residents of the City of Los Angeles and for his continued commitment to outstanding public service.

TRIBUTE TO BRUNO NOWICKI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor an outstanding gentleman, Mr. Bruno Nowicki, ninety years young, on the occasion of his Testimonial Banquet on October 11, 1998 at the Polish Century Club in Detroit.

Bruno Nowicki was born in Poland and came to the United States in 1926 as an exchange student at Carnegie Tech in Pittsburgh. After one semester, he began to work as a reporter for the Polish newspaper, and subsequently moved to Chicago and then to Detroit where he started the Hamtramck Business World in 1931.

He changed course in 1936 and opened a monument business in the metropolitan Detroit area. Bruno sold not just cemetery memorials, his work included designing and building monuments that celebrate Poland. After fifty years in the monument business, Bruno "retired" to return to the Polish newspaper he left 50 years earlier and of which he later became a partial owner. This year, he was honored by the U.S. Conference of Polish Newspapers as "the oldest Polish newspaperman working in the United States."

Actively involved in communities in both Poland and the United States, Bruno served on the Board of Governors of the Detroit Public Library, a founder of the Polish Riverfront Festival whose contributions benefit children's hospitals in Poland, and on the Board of the Polish Daily News. Bruno is a member of the Polish Century Club, the American-Polish Century Club, the Smith Old Timers, and the Monday night Lotto Club.

An avid chess player, Bruno still participates in tournaments around the world where he "wins his age division."

Bruno believes that "no one has created a better way to perpetuate history and deeds than by monuments which endure and remind future generations of the contributions of the past." A designer, not a sculptor, he set out to work with others to design and build monuments that would remind future generations of the American-Polish culture and heritage. His first monument is the Veteran's War Memorial, dedicated in Hamtramck in 1950, listing the names of the servicemen and women who died in World War II and Korea. Additional names of those who fell in the Vietnam War were subsequently added.

Bruno's other monuments depicting the arts, science and religion can be seen in the Polish room of the Ethnic Conference and Study Center at Wayne State University, Detroit Main Library, Hamtramck Public Library, Alliance College in Pennsylvania, Interlochen Music School and Academy, Detroit Science Center, and of course, his statue in Hamtramck of Pope John Paul II commemorating the first Polish Pope.

Mr. Speaker, I ask my colleagues to join me in extending our best wishes to this remarkable man and close friend for good health and happiness as he continues his work to ensure that Poland's's people and its history will live on and the role of Polish-Americans fully understood and acknowledged in the United States of America.

ANKARA'S DECISION TO SENTENCE LEYLA ZANA A BLATANT VIOLATION OF FREEDOM OF EXPRESSION

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. FURSE. Mr. Speaker, I rise today to express my indignation over the decision of the Turkish government to sentence Leyla Zana, the Kurdish parliamentarian who is currently serving a 15-year sentence, to 2 additional years in prison as a blatant violation of the freedom of expression and an insult to her supporters worldwide.

This time, the Turkish authorities charge that Leyla Zana broke the law in a letter she wrote to the People Democracy Party (HADEP) to urge them to be forthcoming, diligent, decisive and to push for individual and collective freedoms. The fact that Leyla Zana has been charged with inciting racial hatred reveals that Turkey is a racist state and continues to deny the Kurds a voice in the state.

As my colleagues know, Leyla Zana is the first Kurdish woman every elected to the Turkish parliament. She won her office with more than 84 percent of the vote in her district and brought the Turkish Grand National Assembly a keen interest for human rights and a conviction that the Turkish war against the Kurds must come to an end. Last year, 153 Members of this body joined together and signed a letter to President Bill Clinton urging him to raise Leyla Zana's case with the Turkish authorities and seek her immediate and unconditional release from prison.

Leyla Zana was kept in custody from March 5, 1994, until December 7, 1994 without a conviction. On December 8, 1994, the Ankara State Security Court sentenced her and five other Kurdish parliamentarians to various years in prison. Leyla Zana was accused of making a treasonous speech in Washington, DC., other speeches elsewhere, and wearing a scarf that bore the Kurdish colors of green, red, and yellow. This year marks her fifth year behind the bars.

Today, in Turkish Kurdistan, 40,000 people have lost their lives. More than 3,000 Kurdish villages have been destroyed. Over 3 million residents have become destitute refugees. Despite several unilateral cease-fires by the Kurdish side, the Turkish army continues to pursue policies of hatred, torture and murder, and genocide of the Kurdish people.

Mr. Speaker, as I finish my sixth year in office as a Member of the United States Congress, I find it outrageous that the government of Turkey, after so much outcry, after so much petitioning and after so much publicity would dare to punish her again incensing her friends and supporters all over the world. There is only one word that comes to my mind and it is, fear, Mr. Speaker. The government of Turkey is afraid of Leyla Zana and it thinks it can lock her away forever. That was the story of those who locked Nelson Mandela. The longest nights, Mr. Speaker, give way to bright dawns. Mr. Mandela is a public servant now. And the world is grateful.

People like Leyla Zana who utter the words of reconciliation and accommodation need to be embraced, validated, and freed. I urge the government of Turkey to set aside its conviction of Leyla Zana and free her immediately, and I urge my colleagues and government to condemn her conviction and make her release a priority.

IN HONOR OF FRANK VELTRI

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Mayor Frank Veltri of Plantation, FL. He is retiring after 24 years of service in this role, the culmination of a long history of public service to the community of South Florida.

Frank Veltri's private sector career began in 1932 at the age of 20. He was auditor for the Dinkler Hotel System before moving onto a more daring pursuit in 1942. It was in that year that Frank became a flight instructor and flight commander for the RAF British Flight Training School Number 5 at Clewiston, FL. Frank settled into a niche following his stint as a flight instructor and became quite involved at the First Federal Savings and Loan Association of Miami, Beginning work at this association in 1945, his rise in stature is quite astonishing. Starting as a teller, assistant auditor, and chief accountant at the Association in Miami, Frank ultimately rose to the positions of Comptroller, Vice President, and Executive Vice President-Treasurer of the First Federal Savings and Loan Association of Broward County, FL.

Broward County has profited immensely from the dedication and hard work of Frank Veltri. As far back as 1953, when Frank initially joined the Fort Lauderdale Chamber of Commerce, he became involved in all types of civic matters. He has been the Chief of the Plantation Volunteer Fire Department as well as the Director of the Fort Lauderdale Chapter of the American Red Cross. Additionally, he has been a member of the Plantation Chamber of Commerce, serving as both its Director and President. Lastly, Frank was elected to serve on the Plantation Council, a predecessor to his Mayoral election in 1975. Since 1975, he has been reelected for 5 consecutive four-year terms. This is truly a testament to the quality of his work for the people of South Florida.

The list of Committees on which Frank has served is also quite extensive. He has been a Member of the Broward County Metropolitan Planning Organization since 1977. In the early 1980's, Frank was a member of the Plantation Health Facilities Authority and the Solid Waste Advisory Committee. In addition, he has been a Board Member of the National Conference of Christians and Jews. Mr. Speaker, I am simply one person who has chosen to formally recognize Frank's hard work, but by no means am I the first to do so. Governor Graham appointed Frank to be a Member of the Crime 2000 Conference in 1982: this is surely an example of the high level of dedication that Mayor Veltri has shown throughout his years of public service.

Though the civic arena is obviously very important to Frank Veltri, it is safe to say that Frank wears other important hats. He is also a loving husband, father, and grandfather. Simply put, I can't think of anything more important than one's relationship with their family.

In summary, all who know him or know of him will surely agree that Frank Veltri is an extraordinary individual. His tireless devotion to the residents of South Florida will be forever remembered. We all owe him a tremendous debt of gratitude.

THE KYOTO PROTOCOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CALVERT. Mr. Speaker, last December I attended the international global warming summit in Kyoto, Japan. I took with me to the meeting information I had gathered at three hearings I convened in my Science Subcommittee on Energy and the Environment. At those hearings, where the Subcommittee took testimony from experts in climatology, it became obvious that there is no clear scientific consensus on which the Administration can base its claim that human-induced global warming is harming our planet.

Over the next few days I will submit for the RECORD portions of studies that bring to light the weaknesses in the Kyoto Protocol. Today, I am submitting an Executive Summary of an analysis of the agreement conducted by the Business Roundtable. The summary gives an excellent account of the key issues of concern regarding the Protocol, making clear that the agreement has serious flaws in terms of its ability to improve the environment without harming the economy:

EXECUTIVE SUMMARY OF THE KYOTO PROTOCOL: A GAP ANALYSIS

In an in-depth analysis of an international agreement to curb greenhouse-gas emissions, The Business Roundtable finds that the accord, known as the Kyoto Protocol, contains major gaps that must be filled before its impact on the world's environment and economy can be evaluated. The Business Roundtable recognizes that the Protocol is only a first step toward a comprehensive agreement to reduce emissions, but urges the Clinton Administration not to sign the Kyoto Protocol until these gaps have been addressed.

Background: On December 11, 1997, in Kyoto, Japan, the Parties to the UN Framework Convention on Climate Change reached an agreement, known as the Kyoto Protocol, that sets legally binding limits on the man-made emissions of greenhouse gases from 38 industrialized countries. Global carbon emissions would continue to increase under the agreement because it exempts Developing Countries—including China, India, Mexico, Brazil, and 130 others—from any commitments to limit their rapidly growing emissions. Continued growth in energy demand, and thus greenhouse-gas emissions, by Developing Countries will more than offset the reductions made by Developed Countries. President Clinton is expected to sign the Kyoto Protocol later this year, but he does not intend to submit the agreement to the Senate for its constitutional role of advice and consent until "key" Developing Countries agree to "participate meaningfully" in the effort.

KEY ISSUES OF CONCERN

The targets and timetables would require the United States to make significant and immediate cuts in energy use. The Protocol would require the U.S. to reduce emissions 7 percent below 1990 levels by 2008–2012, an unprecedented 41 percent reduction in projected emission levels. The process of Senate ratification and the subsequent lengthy domestic implementation process post-ratification would leave the U.S. very little time to make the painful choices regarding energy use that will be necessary to achieve these reductions. In addition, because the Protocol sets different targets for each industrialized country and the target is based on what is now an eight-year old baseline, the U.S. in effect will shoulder a disproportionate level of reduction and may be placed at a competitive disadvantage.

Unless the Developing Countries also commit to emission reductions, the Protocol is incomplete and will not work. The Byrd-Hagel Resolution unanimously adopted by the U.S. Senate in July 1997 states that the U.S. should not be a signatory to any protocol unless it mandates "new specific scheduled commitments to limit or reduce greenhouse-gas emissions for the Developing Country Parties within the same compliance period." Many Developing Countries are rapidly growing their economies and will become the largest emitters of greenhouse gases in the next 15–20 years. Greenhouse gases know no boundaries, and stabilization of greenhouse-gas concentrations cannot be achieved without global participation in a limitation-reduction effort. Moreover, regulating the emissions of only a handful of countries could lead to the migration of energy-intensive production—such as the chemicals, steel, petroleum refining, aluminum and mining industries—from the industrialized countries to the growing Developing Countries.

Certain carbon "sinks" may be used to offset emission reductions, but the Protocol does not establish how sinks will be calculated. Carbon sinks, a natural system that absorbs carbon dioxide, have tremendous potential as a means of reducing emissions, but too much is currently unknown to make a fair determination. It is unclear how sinks might help the U.S. reach its emission-reduction commitment and, though the Parties to the Convention will work to develop rules and guidelines for sinks in Buenos Aires, the rules cannot be adopted until after the Protocol enters into force.

The Protocol Contains no mechanisms for compliance and enforcement.

Simply put, it would be inappropriate for any country to ratify a legally binding international agreeement which lacks compliance guidelines and enforcement mechanisms. The Protocol outlines a system of domestic monitoring with oversight by international review teams, but what constitutes compliance and who judges it will not be determined until after the Protocol enters into force. The means of enforcement—also unknown—is equallly critical, since a country's noncompliance could give it a competitive advantage over the U.S., and eviscerate the agreement's environmental goals.

The Protocol includes flexible, market-based mechanisms to achieve emission reductions, but it does not establish how these mechanisms would work and to what extent they could be used. The U.S. intends to rely heavily on market-based mechansims to find the most efficient and cost-effective ways to reduce emissions. But until the rules and regulations are established it is uncertain how effective these mechanisms will be and to what extent they can be used by companies. Many countries are resisting these market-based mechanisms and their reluctance may hinder the development of adequate free-market guidelines. The absence of many countries from the marketplace, and the possible limitations and restrictions on the marketplace, could render these mechanisms useless or of little value.

The Protocol leaves the door open for the imposition of mandatory policies and measures to meet commitments. Just as the U.S. favors flexible market mechanisms, the European Union and many Developing Countries favor harmonized, mandatory "command-and-control" policies and measures—such as carbon taxes and CAFE standards—to meet commitments, and they will have numerous opportunities to seek adoption of these policies.

Finally, the procedures for ratification of, and amendment to, the Kyoto Protocol make it difficult to remedy before it enter into force. The Protocol may not be amended, nor can rules and guidelines be adopted, until after the Protocol enters, into force. The Clinton Administration is now considering the negotiation of a separate or supplemental protocol to attain necessary additional commitments, but this approach would open all issues to further negotiation.

The Business Roundtable believes that the Congress and the American people cannot evaluate the Kyoto Protocol until the Administration sets out a plan as to how it intends to meet the targets of the Protocol. To place the magnitude of the U.S. reduction commitments in perspective, it is the equivalent of having to eliminate all current emissions for either the U.S. transportation sector, or the utilities sector (residential and commerical sources), or industry. The Administration needs to detail how targets in the Protocol will be met, and how the burden will be distributed among the various sectors of the economy.

The Business Roundtable feels it is imperative that a public dialogue take place on the major issues highlighted in our Gap Analysis before the Protocol becomes the law of the land and government agencies begin to write regulations.

TRIBUTE TO CARNEY CAMPION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. PELOSI. Mr. Speaker, I would like to take this opportunity to pay tribute to Carney Campion, General Manager, Golden Gate Bridge, Highway and Transportation District. Mr. Campion will retire from his position on November 30, after 23 years of dedicated work to the Bridge District.

During Mr. Campion's tenure, the Golden Gate Bridge and associated transportation services have undergone numerous service and safety improvements. Achieving these improvements has required a combination of vision and commitment. Through his effective leadership, Mr. Campion has ensured that the Golden Gate Bridge remains one of San Francisco's most lauded landmarks.

Among his many accomplishments, Mr. Campion has worked with the San Francisco Bay Delegation to secure $51.8 million in federal funding for the seismic retrofitting of the Golden Gate Bridge, received approval for a median barrier to eliminate two-way accidents, redecked the Bridge, instituted public safety patrols and placed crises phones in key locations to deter suicides, and developed specifications for an electronic toll system. In addition, under Mr. Campion, the Bridge District became the first public transit system in the Bay Area to comply with the Americans With Disabilities Act.

However, these significant accomplishments are only a part of Mr. Campion's overall commitment to continuing and strengthening the Bridge District's mission of providing safe and efficient transportation. The successful operation of the Golden Gate Bridge and its bus and ferry units are vital to the San Francisco Bay Area economy. By improving overall transportation efficiency and pursuing alternative modes of transportation, such as adding a high-speed catamaran to the ferry fleet, Mr. Campion has played an important role in ensuring that Bay Area residents can conveniently and safely commute between San Francisco and outlying areas.

In addition to these contributions, Mr. Campion has accomplished many personal achievements. He is a member of numerous community organizations and serves as director for a YMCA, a theater company and the Marin Forum. Furthermore, Mr. Campion has served on or chaired Presidential task forces and international associations throughout his career.

Mr. Speaker, San Francisco has been the fortunate beneficiary of Carney Campion's steadfast and thoughtful leadership. His presence will be greatly missed. I know my colleagues will join me in wishing him well in his future endeavors.

THE 100/240 CELEBRATION OF THE FRIENDS MEETING HOUSE AND CEMETERY ASSOCIATION OF THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100/240 Celebration of the Friends Meeting House and Cemetery Association of the Township of Randolph, County of Morris, New Jersey.

On October 11, 1998, the Friends Meeting House and Cemetery Association of the Township of Randolph will celebrate the 100th Anniversary and the 240th Anniversary of the 1758 Friends Meeting House and Cemetery which it now owns and preserves. The Meeting House is the oldest church in continuous use in Morris County and the oldest Quaker Meeting House in northern New Jersey.

The Quakers who migrated to the Mendham area of Morris County occupied land that belonged to William Penn. They began arriving in the 1740's, establishing farms, mills, and iron forges along many brooks and valleys of the area. They organized as the Mendham Friends Meeting. In 1758, they built their Meeting House and established their cemetery. A national, State, and local treasure, the hand-crafted building of oak and clapboard is little changed from the eighteenth century. In 1805, Randolph set off from Mendham Township, and in 1817 the name was changed to the Randolph Friends Meeting. In 1865, the original meeting came to an end.

From 1865–1898 descendants of the original Quaker families and the last few surviving members of the former meeting cared for the cemetery and grounds and maintained the Meeting House. Memorial services were held annually at the Meeting House for those buried in the cemetery. There was an occasional wedding or funeral.

In 1898, as the last members of the former Meeting became too infirm to oversee the property, a group of descendants in the Morris County area came together and formed the Friends Meeting House and Cemetery Association of Randolph Township. Membership was open to anyone whose ancestors had worshipped in the meeting house or was buried in the cemetery as well as to members of the Friends faith who had an interest in preservation of this important place. The sole goal of the Association was preservation of the site.

Mr. Speaker, for the past 100 years, the Friends Meeting House and Cemetery Association has faithfully pursued preservation of the Friends Meeting House and Cemetery, a monument in Morris County for 240 years. Mr. Speaker, I ask you and my colleagues to join me in congratulating all past and present members of the Association and Meeting House on these special anniversaries.

THE FASTENER QUALITY ACT: FIX IT OR FORGET IT!

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. MANZULLO. Mr. Speaker, any lasting resolution to modify the Fastener Quality Act (FQA) must address the concerns raised by the small manufacturers within the fastener industry. If their concerns are not addressed, I believe most small firms would favor repeal of the Act. I am privileged to represent the "fastener capital of the United States," Rockford, Illinois. There are more fastener manufacturers per capita in Rockford than in any other city in the nation. Implementation of the FQA and any recommended changes to it are of key importance to northern Illinois and the industry overall.

Fasteners are the sinews of a modern manufacturing nation. Disruption in the supply of fasteners would be the equivalent of a nationwide trucking or rail strike. Amidst an increasingly volatile national economy this would have devastating consequences for the country, with reverberations throughout industries dependent on supplies of fasteners.

When the National Institute of Standards and Technology released the latest set of regulations last April, I surveyed the fastener manufacturers in northern Illinois for their input. A third of these answered my survey—a very high response rate. Let me review for my colleagues on the panel the results of the survey: (1) 54 percent of the fastener manufacturers still do not know which fasteners are covered by the FQA; (2) 46 percent of the fastener manufacturers are so small that they cannot afford to adopt the expensive Quality Assurance System (QAS) though they have their own system of testing and insuring quality. Thus, the April regulations permitting larger companies who use QAS to become FQA-certified means nothing to these small fastener firms; and (3) 92 percent—almost every one of the fastener manufacturers in northern Illinois—do not know what they have to do to fully comply with the FQA regulations.

I have met with or been contacted by numerous fastener companies in my district, all of which express concerns reflective of the findings in the survey. For example, there's Pearson Fastener, a 35-employee family enterprise in Rockford. For years Pearson has been manufacturing fasteners. For the last eight years they have been wrestling with the FQA, wondering why existing independent accredited laboratories cannot continue to test their fasteners instead of the company having to switch to as yet unidentified and unaccredited labs. Aside from the added costs involved, newly accredited labs may not offer every testing service needed by the diversity of fastener manufacturers in Rockford. For instance, Pearson could not get one accredited lab to give them a price quote for a salt spraying test on fasteners they make for outboard engines on motor boats.

Camcar, a division of Textron Fastening Systems of Rockford that has manufactured fasteners since 1943, complained that they could not get an approved signatory to sign test reports, as the regulations require. Since no one can observe all the test results, nobody is willing to sign off on the reports.

Elco, also of Textron Fastening Systems and a major fastener manufacturer in Rockford declares the FQA "a showsstopper to our industry . . . [It] penalizes every U.S. fastener company with hundreds of millions of dollars of extra costs in testing and paperwork when the original intent of the Act was to keep out foreign, fraudulent bolts. This particularly affects smaller companies within our industry."

The problems with the FQA from the perspective of small fastener firms are manifold: ambiguity about which fasteners the Act covers; availability and proximity of accredited labs; confusion about the definition of certification, prohibitive compliance costs; over-regulation of the industry; loss of market share to foreign competitors because the FQA exempts fasteners imported as components of larger parts; and lack of information about requried tests of a specialized product are all major concerns of fastener manufacturers in my district. Resolution of these matters needs to be a part of any final modification of the FQA.

It has been eight years since the FQA was enacted. During that time, technological advances within the fastener industry have greatly improved testing techniques so that the failure rate for fasteners has been practically eliminated. Obviously, this necessitates a reexamination of the Act to see that it is applicable to the industry in light of these advances. If some basic, common sense changes are not made to the FQA, I believe most small fastener manufacturers would like to see a total repeal because it is currently unworkable. This is the problem with the FQA as it is currently written. I hope Congress, the National Institute of Standards and Technology, the fastener industry, and others can work together to fix it, or else resolve to abolish it.

We all want to make a genuine effort to work out the problems with the FQA. I submit that the approach we ought to take should address the concerns of all fastener manufacturers. At the same time, we should avoid a

course that seeks a solution through exemptions for specific industries. A solution that fails to resolve the issues raised by both large and small fastener firms is no solution at all. Otherwise, down the road we again will find ourselves wrestling with the same problems that threaten the viability of the fastener industry and, consequently, the very health of our economy.

Even at this early juncture, we already know that any future workable regulatory document must include the following: (1) A clear delineation of what fasteners are covered; (2) a settlement on the issue of certifying in-house testing processes, and short of this an agreement on the number, type, and location of accredited laboratories; (3) a clear definition of what constitutes certification; (4) a regime that minimizes compliance and regulatory costs so as not to put small manufacturers of fasteners out of business, nor U.S. fastener manufacturers at a competitive disadvantage with foreign manufacturers; and (5) a thorough dissemination of information that answers the many questions fastener manufacturers will have when any new agreement is reached.

If a revamped FQA can accomplish these things, then I think we have the basis for a document that can work for the fastener industry and ensure safety for the consumer. On the other hand, if the FQA remains difficult to interpret, costly with which to comply, and threatens the existence of small fastener companies, then it must be repealed.

INTRODUCTION OF NON-INTRUSIVE SEISMIC TESTING IN ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I have introduced a bill today in order to aid our Administration in taking responsible action regarding the coastal plain of the Arctic National Wildlife Refuge (ANWR).

This last May, the US Geological Survey (USGS) released it's petroleum resource assessment of the "1002 area" within ANWR. The USGS published that in-place resources could be as high as 31.5 billion barrels of oil. This is orders of magnitude higher than other predictions this Administration has released during this decade. Of course, this 31.5 billion barrel figure does not factor in all of the economic and technological variables that are realities for the industry. However, it demonstrates that there clearly is significant energy potential currently being withheld from the American public by this Administration.

To really understand the energy potential for the Nation within ANWR, we must use the most advanced scientific methods available. The Secretary of the Interior, as our Nation's landlord, clearly has a fiduciary responsibility to gather the maximum amount of information to make an informed decision. Regardless of a person's position on development of the coastal plain, we should all support an understanding of the potential beneath the frozen tundra of this area. By using 3-dimensional seismic testing in the 1002 area of ANWR, we will be able to have a much clearer understanding of this potential.

Currently, there are several significant discoveries on state lands adjacent to the 1002 area of ANWR. These fields could potentially drain the federal mineral estate from their surface occupancy on state lands. This potential drainage could withhold millions of dollars to which the US Treasury and American public are entitled. Without the best science available, this possibility continues to be a significant reality. It is incumbent upon this Administration to safeguard the people's trust and mineral estate. To allow this potential diminishment because of political ideology is unwise and irresponsible.

Even if this legislation were to pass with the few legislative days remaining in this 105th Congress, it will not open ANWR. In fact, sadly so. I feel the coastal plain holds our nation's greatest energy potential and should be opened to sensible development. The reality is this Administration will not allow ANWR to be developed under any circumstances. With this fact, we must fulfill our obligation of scientific understanding and use the best science technology available to estimate the coastal plain's potential. If my fellow Alaskans send me back to represent them as their Chairman, I plan to reintroduce this bill and move it through the legislative process.

This legislation will help accomplish the goal of understanding the coastal plain of ANWR's potential in a non-invasive and environmentally benign manner. Seismic testing examines the sub-surface structure with almost insubstantial effects. The fact is, seismic has already been allowed in this area with negligible impacts. This legislation will allow 3–D seismic into this area for a much more accurate assessment of the resource. We need this kind of understanding while devising a sound national energy strategy for the American people. I look forward to working with the Administration in the 106th Congress while we work to fulfill our obligation to the public and gather the best information by using the most advanced technology available.