SENATE—*Tuesday, March 3, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, righteous, holy Judge of us all, we are accountable to You. Every word we speak and action we take is heard and seen by You. Remind us that You bless those who humble themselves and put their trust in You completely. There's no limit to what You will do for a country and its leaders if You are glorified as Sovereign.

May the knowledge of Your blessings to our Nation bring a deeper commitment to You. We want our motto, "In God we trust" to be more than an egregious exaggeration. Begin a spiritual awakening in us that will spread throughout our Nation. You have told us, "Where there is no vision the people perish . . . "—Proverbs 29:18. And we remember Thomas Jefferson's warning, "God who gave us life, gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gifts of God?" With these words ringing in our souls, grant the Senators and all of us who work with them the courage to reaffirm You as Lord to whom we are responsible for the moral, spiritual, and cultural life of America. In the name of our Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. COVERDELL. Mr. President, on behalf of the majority leader, I announce that this morning the Senate will be in a period of morning business until 11 a.m. At 11 a.m., the Senate will resume consideration of S. 1173, the ISTEA legislation. By previous agreement, from 12:30 p.m. to 2:15 p.m. the Senate will recess for the weekly policy luncheons to meet.

It is hoped that at 2:30 p.m. the commerce amendment will be offered. Therefore, Members can anticipate debate on that amendment this afternoon. In addition, the Senate may consider any executive or legislative business cleared for action. As always, Members will be notified when rollcall votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). There will now be a period for the transaction of morning business.

The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Chair.

(The remarks of Senator COVERDELL and Senator FEINSTEIN pertaining to the submitted S.J. Res. 42 and S.J. Res. 43 are located in today's RECORD under "Submission of Concurrent and Joint Resolutions.")

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin. Under a previous order, the Senator from Wisconsin is recognized for up to 15 minutes.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the submission of legislation are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, are we in morning business for 10 more minutes?

The PRESIDING OFFICER. We are in morning business until 11 o'clock.

Mr. WELLSTONE. I ask unanimous consent that I be able to speak for 10 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right under the previous order.

Mr. WELLSTONE. I am sorry?

The PRESIDING OFFICER. The Senator has that right under the previous order.

Mr. WELLSTONE. I didn't know whether other people were in order to speak and I was bumping someone out.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized to speak for up to 10 minutes.

HUMAN RIGHTS IN CHINA

Mr. WELLSTONE. Mr. President, I will be on the floor at 11 o'clock with an amendment to the ISTEA legislation, but let me pick up on comments I made yesterday on the floor of the Senate about a resolution that Senator MACK from Florida and I have submitted dealing with the whole question of human rights in China.

There is an editorial today in the Washington Post—and I think it is a very important editorial—called "A Choice on China." I ask unanimous consent to have that printed in the RECORD.

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

A CHOICE ON CHINA

The Clinton administration long ago abandoned human rights as a primary consideration in dealing with China, but it claimed an intention at least to continue speaking out on the issue. The substance of U.S.-China relations—in other words, trade, military contacts, high-level summits—would go forward no matter what abuses China's leaders committed against their own people, but the United States would, in Secretary of State Madeleine Albright's famous phrase, "tell it like it is" nonetheless. Now, however, it seems the administration may sacrifice even truth-telling so as not to offend China's Communist regime.

The immediate issue is whether to sponsor a resolution at the United Nations Commission on Human Rights when it convenes in Geneva next month. You wouldn't think this would be a tough call. Such a resolution would moderately criticize China's record and call for improvements; it would impose no penalty beyond well-deserved embarrassment. Democracy advocate Wei Jingsheng nevertheless calls the resolution "a matter of life and death" for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration "would step up its efforts" to get such a resolution approved. China's regime remains as oppressive today as it was then.

That much is clear, in fact, from the State Department's own human rights report, which—despite a touch of whitewash this year—does mostly tell it like it is, painting a dismal picture of China's "widespread and well-documented human rights abuses." These include torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religion in Tibet and Xinjiang and, of course, absolute intolerance of free political speech or free press. Just this month, the FBI arrested two Chinese citizens for allegedly marketing human organs harvested from some of the 6,000 prisoners China executes each year. If prisoners are being killed in order to provide organs, it "would be among the grossest violations of human rights imaginable," Stanley O. Roth, assistant secretary of state for East Asian affairs, said last summer.

Yet from Mr. Clinton, still no word on plans for Geneva. Last year the administration similarly dithered and delayed, eventually hiding behind tiny Denmark, which sponsored a resolution. China responded, with grace matching America's courage, by warning that the human rights resolution would "become a rock that smashes on the Danish government's head." This year, while the administration again has been unable to make up its mind, the entire European Union opted out, cravenly vowing not to cosponsor any resolution. The EU then cited a series of inadequate "benchmarks" to measure future Chinese progress in the human rights field, such as that the visit of the U.N. human rights commissioner to China

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

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"should be taken seriously by the Chinese leadership."

It may be too late now for the United States to rally a coalition of countries that would guarantee a fair hearing for a resolution on China, but it is not too late for Mr. Clinton to support such a measure nonetheless. He can still send a message that America supports, or at least sympathizes with, the fighters for freedom inside China; alternatively, he can send a message that his friendship with their oppressors is too important to put at risk with any impolite words. For someone who hopes to become this year the first president to visit China since the massacre at Tiananmen Square, this should be an easy choice.

Mr. WELLSTONE. Mr. President, the immediate issue, as the Post editorial points out, is whether or not the United States is going to sponsor a resolution at the U.N. Commission on Human Rights gathering in Geneva, which is going to be coming up, I think, this month, or maybe at the beginning of next month, but within a very short period of time.

I had a chance to meet with Wei Jingsheng who wrote a wonderful book called "The Courage to Stand Alone." He spent many years in prison in China, I think 16 years, for his courage to speak out. He has made it very clear, and I quote the Post editorial, that the resolution is "'a matter of life and death' for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration 'would step up its efforts' to get such a resolution approved."

Mr. President, China remains as oppressive today as it was a few short years ago. I want colleagues to know that this is a separate question from whether or not you were in favor of most-favored-nation status for China. Some people believe trade policy is too blunt an instrument to be focused on human rights. Others do not. I do not share that sentiment. Regardless, let me repeat for colleagues what we know.

The State Department's own human rights report, which has been somewhat controversial because some think it is a bit of a whitewash this year, still nevertheless paints a dismal picture of China's "widespread and well-documented human rights abuses":

These include torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in [countries like] Tibet . . .

And the list goes on.

Just this month, the FBI arrested two Chinese citizens for allegedly marketing human organs harvested from some of the 6,000 prisoners China executes each year. If prisoners are being killed in order to provide organs, it "would be among the grossest violations of human rights imaginable," Stanley O. Roth, Assistant Secretary of State for East Asian Affairs, said last summer.

We haven't yet heard from the White House as to whether or not they are going to be sponsoring a resolution which would raise all of these questions. I think this is a commitment we have made as a country.

Let me conclude by reading the last paragraph of this Post editorial:

It may be too late now for the United States to rally a coalition of countries that would guarantee a fair hearing for a resolution on China, but it is not too late for Mr. Clinton to support such a measure nevertheless. He can still send a message that America supports, or at least sympathizes with, the fighters for freedom inside China; alternatively, he can send a message that his friendship with their oppressors is too important to put at risk with any impolite words. For someone who hopes to become this year the first president to visit China since the massacre at Tiananmen Square, this should be an easy choice.

The resolution that Senator MACK and I submitted yesterday calls on the President to move forward with this resolution at the U.N. Commission on Human Rights, which is going to be meeting in Geneva. My understanding was that we were going to mark up this resolution in the Senate Foreign Relations Committee today, but one Senator on the committee has basically blocked that and has exercised his prerogative so we won't be able to mark it up in committee.

I want to make it clear to colleagues that I have every intention—and I hope I will be joined by other Senators—of bringing this resolution to the floor as an amendment on a bill, probably the ISTEA bill. I will wait and see and work, of course, very closely with my colleague Senator MACK.

It is extremely important that the U.S. Senate go on record supporting a resolution passed by this U.N. Commission on Human Rights at its meeting in Geneva. Sometimes I get the feeling that when I speak on the floor of the Senate—in a few minutes we will have a debate, there will be more people here—but when I am on the floor of the Senate and speaking about something like this, I sometimes get the feeling it is unimportant. It is not unimportant. When Wei Jingsheng who spent all those years in prison, when Harry Wu, and others, who have given up years of their life because of their courage to speak up for just basic human rights, call on us in the U.S. Senate, "Won't you please at least adopt a resolution"—I guess it is going to have to be an amendment now—"which really calls on the President and your country to take leadership at this U.N. Commission on Human Rights and have some criticism of what has been going on in China, the torture of people, the execution of people, the imprisonment of people just for speaking up, the persecution of religious groups, won't you at least do that," I am telling you, when I get a request from someone like Wei Jingsheng, who I think is a giant, then I am certainly going to follow through on it.

I believe that in the U.S. Senate there will be overwhelming support for this resolution, which I think now will be an amendment since we have been blocked from being able to mark it up in the Senate Foreign Relations Committee.

I guess I will say to colleagues, if you don't agree that our country at the very least ought to be speaking up on these human rights questions and supporting people like Wei Jingsheng, that that is at least the minimum we can do at this very important U.N. Commission on Human Rights, then you can come to the floor of the Senate and you can debate it.

From my own point of view, one Senator, who happens to be my colleague from Minnesota who doesn't agree and is not going to let this go forward on the Senate Foreign Relations Committee, I would be pleased to debate him and other Senators as well. But my hope is that we will have overwhelming support for this.

Again, this doesn't say you are for or against most-favored-nation status. This doesn't say you are for or against assistance for IMF or not. This is not about GATT. This is not about NAFTA. This is about something else which we ought to have a consensus on, which is, at this upcoming meeting in Geneva—I think our Government has given people in China every reason to believe that we would—and I guess I will quote Secretary of State Madeleine Albright's famous phrase, "Tell it like it is." We ought to tell it like it is. We ought to tell it like it is. The Post editorial is right on the mark, we ought to do it at this very important meeting of the U.N. Commission on Human Rights. That is the time for the United States to speak out.

Silence is betrayal, and our country must not be silent in the face of these kinds of abuses of elementary human rights of citizens in China and, for that matter, in other countries as well.

I hope that I will be doing this on the floor with Senator MACK. I certainly am going to be bringing an amendment to the floor. We have to have a vote on this. I can't let one Senator block a committee from marking up this bill and then have it delayed a month, which will be too late for this U.N. Commission on Human Rights. We will take action on it before the Senate. I hope we get 98, 99 Senators voting in favor of it. It is the least we can do.

I yield the floor and 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL SPORTSMANSHIP DAY

Mr. CHAFEE. Mr. President, today is the eighth annual National Sportsmanship Day—a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. Participation this year will include over 10,000 schools in all 50 states and more than 100 countries.

Today, the Institute is holding a daylong town meeting in which athletes, coaches, journalists, students, and educators are engaged in an in-depth discussion of racial issues in sports. I believe that the Institute's work in addressing the issues of character and sportsmanship, and its ability to foster good dialogue among our young people is significant.

As part of the Day's celebration, the Institute selects Sports Ethics Fellows who have demonstrated "highly ethical behavior in athletics and society." Past recipients have included: Kirby Puckett, former Minnesota Twins outfielder and 10-time All Star; Joan Benoit Samuelson, gold medalist in the first women's Olympic marathon in 1984; and Joe Paterno, longtime head football coach at Penn State University. This year, the Institute will honor over 15 individuals including Mills Lane, district court judge of Reno, Nevada and internationally known professional boxing referee; Bud Greenspan, renowned Olympic cinematographer; Billy Packer, CBS sports commentator; and Ken Dryden, president and general manager, Toronto Maple Leafs.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

If all those activities were not enough, the Institute has found another avenue to promote understanding and good character for youngsters. A new program called Renaissance Education was instituted in 1996 to expose students to the foundations of "total education." The Renaissance Education concept gives students the opportunity to contribute to a team effort and profit from the benefits of team participation. To kick-off this program, the Institute will host its first-ever Renaissance Games in April where students will participate in sports, leisure, cultural, and academic activities such as: basketball, volleyball, photography, public speaking, creative writing, chess, board games, spelling bees, and library research.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who are participating in the events of this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last eight years have made this program so successful.

Mr. President, it is my understanding that S. 1173 will be the matter before the Senate?

The PRESIDING OFFICER. The Senator is correct.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Mr. CHAFEE. It is my understanding the distinguished Senator from Minnesota has an amendment which he wishes to present. What we would like to do, if it is agreeable with him, is he could present his amendment and discuss it but we not proceed to a vote until we have had an opportunity to check with the Labor Committee, and check some other factors. So he and I could work together on when would be a good time to call it up for a vote.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I have talked to the distinguished Senator from Rhode Island. I will send an amendment to the desk, but I will not be asking for a vote until after we work together on this. I certainly hope there will be support for it. I thank the Senator from Rhode Island for his graciousness.

AMENDMENT NO. 1679 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary of Health and Human Services to report on the number of former recipients of public assistance under the State temporary assistance to needy families programs that are economically self-sufficient)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1679.

Mr. WELLSTONE. 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 309, between lines 3 and 4, insert the following:

SEC. 18 . REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

"(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

"(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

"(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

"(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

"(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

"(A) reports prepared by the Comptroller General of the United States;

"(B) samples prepared by the Bureau of the Census;

"(C) surveys funded by the Department;

"(D) studies conducted by the Department;

"(E) studies conducted by States;

"(F) surveys conducted by non-governmental entities;

"(G) administrative data from other Federal agencies; and

"(H) information and materials available from any other appropriate source.".

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privilege of the floor be given to Mikki Holmes, who is an intern with me, during consideration of this amendment.

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

Mr. WELLSTONE. Both she and Kelly Ross have helped me a great deal on the amendment, so I would love for her to be able to be out on the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WELLSTONE. Mr. President, let me give my colleagues a bit of background on this amendment—some context. I am, if you will, changing the conversation. We are going to be getting into ISTEA amendments soon, and I will have some other amendments on ISTEA. But this is a vehicle out here on the floor and this is a time for me to raise another question, which I think is a very important one. This amendment would require the Secretary of Health and Human Services to report on the number of former welfare recipients, recipients of public assistance under the State Temporary Assistance to Needy Families programs, who are economically self-sufficient. In other words, what we want to do is have some clear understanding about what is going on in the country right now.

When we debated the welfare bill, I had an amendment which said something like: Let's please get Health and Human Services to take a look at what is going on in the country. And if it should be the case—and I certainly hope it will not be the case—that, as opposed to families being moved from welfare to work with more economic self-sufficiency, which is what our goal is, we are seeing families that are actually becoming more impoverished, children becoming more impoverished, then what we need to do is take corrective action. Let's at least monitor what is happening. That amendment was defeated.

What I am saying to colleagues today is that by passing that piece of legislation, we have a certain responsibility to make sure that we know what is going on throughout the country. Gunnar Myrdal, a Swedish sociologist, once said that ignorance is never random. I think we have to be very careful that we at least make an effort, as responsible policymakers, to understand what is happening.

What I mean by "economic self-sufficiency" is we just need to know whether or not, as the rolls drop—and we have heard reports about how the welfare rolls have dropped by 4 million—whether this reduction in the rolls or reduction in welfare caseload is a reduction of poverty. It can't be viewed as reform unless we are talking about a reduction of poverty. We just need to know whether or not these parents, mainly women, are now working at jobs that provide them a decent wage. The operational indicator that I have in this amendment is we need to know whether or not these families are at 150 percent of poverty. Are they now out of poverty? We need to know whether or not there is child care available for the children. We need to know what the housing situation is. We need to know whether or not there is transportation available for people so they can get to jobs. We just do not know that.

What I am saying in this amendment is, at the very minimum—and I hope there will be support for it—we ask the Secretary of Health and Human Services, based upon the data that she has—some reports from States, some Census Bureau survey statistics, some agency data—to pull together all the available data—someone has to do that—and provide to the Senate, to the Congress, a report 4 months from enactment of this amendment, and then every 6 months, as to what is going on in the country—whether or not these families are reaching economic self-sufficiency.

Let me talk a little bit about some of my own travel, and why I bring this amendment to the floor, and also just let me draw from some documentation, empirical data, that I think will help colleagues as they make up their minds. This is very reasonable. This is very reasonable, Democrats and Republicans. The only thing I am saying is, please let us know.

Now, when I travel around the country—and I have spent some time in low-income communities—I am not just focused on welfare. Personally, I think the most important policy goal for us is to make work pay. I think if people work almost 52 weeks a year and almost 40 hours a week, they ought not be poor in America.

I think some of that is skills development for people who are looking for work. Some of that is access to capital, especially for small businesses, whether it be in Kansas or Minnesota, so we can have more entrepreneurs and have more economic opportunities. And some of that is affordable child care and affordable health care. If you can put that package together, that is probably the best single thing you can do for families in America, especially families, if you will, in the bottom 50 percent of the population.

I hope that is the direction we will go. But as I travel the country—from Delta, MS, to East LA, Watts, to the Pilsin neighborhood in South Side Chicago, to public housing projects, the Ida Wells housing project, to the Robert Taylor Holmes housing project, to inner city Baltimore, to inner city Minneapolis, to rural Aitkin County, to Letcher County, Appalachia, eastern Kentucky—what I find is a bit of a disturbing picture. And I have been trying to check with people in other States.

I am finding another thing. First of all, what I do when I travel around the country is say, OK, now you have seen a drop in caseload and you have fewer people on welfare. That is being applauded. But can you tell me where they are? Where are the people? What kinds of jobs do they have? At what wages? How about the children? Is there decent child care for the children?

Generally speaking, the answer—and it will not just be what I am going to tell you on the basis of my own travel, but I also want to quote from some reports—is people do not know. People do not know. State by State they do not really know. There ought to be some way to assemble that data and at least get a report on what has happened.

I can tell you, I talked a little bit about this on the floor of the Senate before. This is why I bring this amendment to the floor. It is why I am changing the conversation on the floor of the Senate at least at the beginning of this bill. It is why I think this is a matter of urgent importance.

What I find is that I will go to a community, like in Delta, MS, or, for that matter—let us start with rural Aitkin County, MN, or, for that matter, maybe even more importantly, in Whitesburg, KY, and people will say in rural communities two things. No. 1—and in a lot of inner cities; I hope every colleague at some point in time can read William Julius Wilson's book, "The Disappearance of Work," just an eminent sociologist, African American sociologist, who has done superb work; rave reviews for his very careful research.

There are a lot of communities in our country where work still does not exist, even with a record low official unemployment rate. We have communities in our country where there are no jobs.

So there are two issues here. If you are going to tell people they are going to be off assistance, we have to make sure the job opportunities are there.

Now, a lot of people in rural America are saying, "Look, in our communities we don't have the jobs. And just as importantly, we don't have the transportation to be able to get to some of those jobs that are 50 or 60 miles away." So I think we need to know what is happening. I mean, in Whitesburg, KY, in Letcher County, KY, boy, I will tell you what—I say this to the Senator from Kansas—you want to talk about a group of people that are independent, you want to talk about a group of people that are self-reliant and self-sufficient—I am a little biased. That is where my wife's family is from. This is the community.

People say, "We want to be able to work. And if you give us the tools whereby we can have some access to capital, we can chart our own economic future." And there are jobs for people. We are all for this. But right now, in a couple of years from now, everybody please remember in that bill that we passed, there is a drop dead date certain where, depending upon the State, 2 years from now or 4 years from now or

a year and a half from now everybody is going to be off assistance. All these parents—women; almost all women—and children will be cut off all assistance.

Before that finally happens, Mr. President, we need to know whether or not these families are now reaching economic self-sufficiency. We need to know what is going on. We cannot just cut all people off assistance without knowing whether or not there are jobs available, whether or not any will be available, or, worse—and I am visiting a lot of communities around the country, and I think Senators are probably hearing this now as we implement this legislation—they are telling me there are no jobs.

Same thing in a lot of inner cities I visit where people tell me in Baltimore. And you know what? I am in complete agreement on this. I want my conservative colleagues to know that I am now changing my ideology. I am becoming a conservative Democrat. I cannot go quite as far as being a Republican. But I am in complete agreement with the proposition that you can have all of the social services imaginable, you can have the WIC program, and you can have the Head Start Program, and you can have outreach programs, but it does not work unless people have an employment opportunity. That is dignity for people.

But you know, when I visit some just great people in Baltimore—they are doing great work—what they tell me is, "Look, all the social services in the world don't cut it unless there are job opportunities here. And the jobs are not available in our ghettos and boroughs. They are available in some of the suburbs, but people cannot get out to them. A lot of poor people do not own cars. And a lot of people rely on the public transportation."

So what I am saying, colleagues, is, let us find out—find out—whether or not people are moving to economic self-sufficiency. Let us find out what this reduction in caseload means. Because I think otherwise we could be doing something here in Washington, DC, that could be unbelievably harsh and unbelievably cruel and just really unconscionable, which is eventually supporting the idea that all families are cut off all assistance even when people have tried to find a job and have not been able to find a job, even when the child care isn't available.

Now, as I travel the country—I wanted to also mention this to colleagues—I have met with entirely too many families who tell me that either their 3- or 4-year-olds, part of the time, are home alone because it is a single parent working because the child care isn't available, or their children, small children, age 2, age 3, one week are with a cousin, another week with another relative, another week with a friend somewhere, because there is no affordable child care.

Or I talk to parents—and I would like for every Senator to put himself or herself in the place of some of these parents—who tell me that before this legislation passed, they would go to school, and they would pick up their first grader—this happened to me in East LA—and this mother, who was just weeping, she was saying, "I work." She wanted me to know she was working. She wanted me to know that she wants to work. I was asking her, how was it going? And it was at that point that she broke down crying, when she said, "It's fine until about 3 o'clock every day," because that is when she would pick up her first grader—now a second grader—at school, and walk her home, sometimes passing gangs in a pretty violent neighborhood. Too much violence still. And she would walk her child home, and then she would be with her child. Now she tells her second grader, "You know, when you get home at the housing project, you're to lock the door, and you're to take no phone calls."

Colleagues, I want you to know that even when there is good weather, there are too many children in America who are not outside playing because there is no supervision for them. Now, we ought to know what is happening around the country to these children. Just because these children are low-income children, just because their mothers are low-income mothers does not make them any less important than anybody else. They are all God's children.

Mr. President, let me just read from a very important article that came out last week in the National Journal by Burt Solomon called "Monitoring Welfare Reform—Sort Of." This is why I want to see us at least call on the Secretary of Health and Human Services to assemble some data, to provide us with reports as to what is going on. That is all. How many families are reaching economic self-sufficiency? Are people who are now off welfare, have they found jobs? At what wage level? Are the children OK? Is there decent child care? That is all that says. We all ought to want to know that. There should not be one vote against this. We should want to know. We should want to know.

Now, to provide some evidence or marshal some evidence for this amendment, let me just read from this very fine piece by Burt Solomon. In quoting one Federal official:

> "I don't think we will be following enough people thoroughly enough"—or long enough—"to get a [strong] understanding of what's going on," a federal official steeped in welfare policy said. Queried about whether there are plans to better organize monitoring, the official replied: "I think the answer is, not really."

Mr. President, I think that is sort of an apt summary. We just do not right now have any coordination. We do not have anybody who is responsible for collecting the data to be able to tell us what is happening to these families.

Secretary Shalala gave a speech at the American Enterprise Institute on Friday, February 6. I will start out at the beginning of her speech. She said:

> But we also have a moral obligation to keep making improvements in welfare reform, and in our social policies.

She is talking about how, now that we have had this law for a while, it is time to ask the questions and figure out where we need to go from here.

> "Today, fewer than 4 percent of Americans are on welfare. What we don't know is precisely what is happening to all of these former welfare recipients." We know that some have married or moved in with family or friends. Others have left the rolls and are holding on to jobs that they were already going to—what is sometimes called the smoke out effect. But what's important is that many are looking for work—and finding it.

Many are looking for work and finding it. But the real issue is that we still do not know what is happening to these 4 million people who are no longer on the rolls.

I go on to quote from her speech:

> States are working hard to enforce the mandatory work requirements in TANF. Sanctions were actually rising even before TANF. Still, most of the 33 states that were authorized by waivers to impose full-family sanctions rarely did so. Now, when sanctions are imposed, it's usually because recipients fail to show up for their initial appointments—not because they refuse to comply with work requirements.

Mr. President, I just want to make the point that one of the things that is happening—it is happening in my State of Minnesota—is a lot of people are basically getting cut off welfare because they are sanctioned. They do not show up for some of their initial appointments. But the question is whether they do not show up for their initial appointments because they do not want to work, or is it because they do not have transportation? Or is it because there is not adequate outreach? Or it is because we are imposing a kind of stability in the lives of people who sometimes have to deal with crisis after crisis? Or is it because, with a lack of child care arrangements, they cannot be there?

I mean, we want to make sure that people are not just being eliminated from the rolls and then, not having any employment opportunities or having jobs that barely pay minimum wage, are worse off a year from now, and they no longer have any health care. I read from an editorial from the Minnesota Star Tribune entitled "Life After Welfare—States Must Ask the Right Questions." I just quote one relevant section.

> The federal law requires states to submit lots of data on the number of clients who receive benefits and who find jobs, but it is almost silent on the issue of family well-being after clients leave welfare. As federal bureaucrats draft new reporting requirements,

there's a danger that Washington and the governors will define "success" as merely cutting caseloads.

And this is the conclusion of the editorial:

It's worth remembering that Congress didn't tackle welfare reform because caseloads were rising—they were already falling by 1996. It wasn't because assistance costs were climbing—cash welfare to families has been stable at less than 2 percent of the federal budget since Richard Nixon was in office. It was because welfare was seen as a failed program that fostered other social pathologies: idleness, drug use, broken marriages and neglected children. Having blamed welfare for these problems, it seems only fair to find out whether welfare reform is solving them.

Again, what I am saying to my colleagues is that I think it is terribly important that at least we understand—and to ask the Secretary of Health and Human Services to provide some reporting of data as to—what is happening around the country so that we have some understanding how many of these families have found work, how many of these families are reaching self-sufficiency. Or are matters worse off? What has happened to those parents? And what is happening to these children?

If it is, colleagues, the best-case scenario, I am all for it. If we pass this amendment and the Secretary provides us with some data, assuming she has the data—if she can't pull together data, then we have to figure out what we need to do in order to understand what is happening in the country—if she provides data that shows us that, as we look at this reduction of caseloads by 4 million, that many of these mothers and many of these children are better off, great.

But if, in fact, we find that people have been cut off but haven't found a job, or they find a job that barely pays minimum wage and there is not adequate child care and some of their children are in harm's way as a result of this legislation, then we need to know that as well. Certainly we can't just follow through on eliminating all assistance for all families until we understand whether or not these families have reached economic self-sufficiency.

Mr. President, I quote from an article in the Philadelphia Inquirer on a recent study by Tufts University:

Despite numerous reports of welfare reform's early success, most states have enacted measures that hurt the families they're supposed to help, a national study at Tufts University pointed out that only 14 states have welfare policies that are likely to improve the economic conditions of poor families.

Let me read a hard-hitting statement by J. Larry Brown, who is director of the poverty center at Tufts University, which I concede has been controversial because they have issued reports over the years. They have been at this for decades, and they focus a lot on malnutrition, hunger and poverty, especially among children in America. Sometimes we don't like what they say because it is just unpleasant news. But I think their research is terribly important, and I will read from J. Larry Brown:

The evidence shows that as of now welfare reform is failing, and it is failing badly. The vast majority of states are not developing programs to improve the economic circumstances of the poor.

Mr. President, I ask unanimous consent that an executive summary of the Tufts University study be printed in the RECORD.

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

[From the Tufts University Center on Hunger and Poverty, Feb. 1998]

ARE STATES IMPROVING THE LIVES OF POOR FAMILIES?—A SCALE MEASURE OF STATE WELFARE POLICIES

EXECUTIVE SUMMARY

The Tufts Scale measures whether each state is making progress toward increasing the economic security of poor families under the newly "devolved" welfare system created by Congress in 1996. It also compares whether each state's progress toward this goal is better or worse than that of other states. Results of the study show that:

The majority of states have created welfare programs that ultimately will worsen the economic circumstances of the poor.

More than two-thirds of all states (35) have implemented state welfare policies that will make the economic situations of families worse than under the old welfare system.

Less than a third of all states (14) have implemented state welfare policies that are likely to improve poor families' economic conditions.

Overall, more states in the Northeast and Western region received positive scores on the Scale, indicating they have created state welfare programs that are more likely to help families achieve economic self-sufficiency, while more states in the South and Midwest received negative scores, indicating that their new welfare policies are likely to make self-sufficiency harder to achieve.

Of the fourteen states whose new welfare policies are likely to improve family economic well-being, seven (VT, RI, PA, NH, ME, CT and MA) are in the Northeast, four (OR, CA, WA, and UT) are in the West, two (IL and MN) in the Midwest, and one (TN) in the South.

Of the fourteen states whose new welfare policies are likely to worsen family economic security the most, seven (FL, NC, LA, MS, AL, GA and DC) are in the South, four (OH, IA, MO and KS) are in the Midwest, two (WY and ID) in the West, and one (NJ) in the Northeast.

Two states represent the extremes in measuring progress and failure to date:

Vermont, with a score of +12, is the state whose new welfare policies are most likely to improve the economic security of recipient families.

Idaho, with a score of −15.5, is the state whose new welfare policies are most likely to worsen the economic conditions of poor families.

The cornerstone of the newly decentralized national welfare system is the TANF Block Grant. Under TANF, states are given unprecedented flexibility to create and implement customized state welfare programs to help families become economically self-sufficient. Yet the Scale results show that the vast majority of states have adopted policies under their TANF Block Grants that are likely to worsen the economic security of poor families instead.

Forty-two states have adopted policies under their TANF Block Grants that are likely to worsen the economic security of poor families.

Eight states (VT, OR, NH, MA, WA, RI, ME, and CT) have implemented policies under their TANF Block Grants that are likely to improve poor families' economic security in comparison to the old welfare system.

Vermont received the highest score on the TANF section of the Scale (+7), indicating that it has implemented policies under its TANF Block Grant that are more likely than all other states to improve family economic security. Idaho received the lowest Scale score for TANF (−15.5), indicating that its TANF policies are more likely than those of any other state to worsen family economic security.

The Child Care and Development Fund was created under PRWORA to assist families in obtaining child care so that adults could engage in activities eventually leading to self-supporting employment. According to the Scale, all states except one have adopted child care policies which are likely to improve family economic security compared to their policies under prior law.

All states except Wyoming have implemented child care policies in their new state welfare programs that are likely to improve family economic security.

Six states (CA, MS, NE, PA, RI and VT) received the highest score on the child care part of the Scale.

The Tufts Scale was designed to provide early feedback to help evaluate the likely impact of state welfare program inputs on family economic well-being while the nation waits for longer-term measures of their outcomes. Each state's score provides a measure of whether that state is using its newly available flexibility to invest in the economic circumstances of poor families.

Concerns have been raised by some critics of the 1996 welfare reform law that ultimately it will further impede the economic viability of poor families. The data reported here suggest that these concerns may be well founded. While a few states have made choices which can improve the lives of poor families in their states, most are disinvesting in the poor.

COMPARING STATES' OVERALL TUFTS SCALE SCORES

Table 2 shows overall state scores ranked in descending order (highest to lowest). Recalling from Table 1 that the range of possible overall scores is −38 to +22, it is clear that no state did as little, or as much, as could have been done to change the impact of its welfare programs on the economic security of poor families with children. The highest overall score of +12 points, received by VT, fell 10 points short of the maximum score. The lowest score of −15.5 points, received by ID, was also 22.5 points higher than the minimum.

TABLE 2.—OVERALL TUFTS SCALE SCORES WITH STATE RANKINGS

State	Rank	Score
VT	1	12.0
OR	2	7.5
RI	3	6.5
PA	4	4.5

TABLE 2.—OVERALL TUFTS SCALE SCORES WITH STATE RANKINGS—Continued

State	Rank	Score
NH	4	4.6
ME	4	4.5
CA	4	4.5
WA	8	4.0
CT	8	4.0
UT	10	2.5
IL	10	2.5
MN	12	2.0
MA	12	2.0
TN	14	1.5
NY	15	0.0
NE	15	0.0
VA	17	−0.5
TX	17	−0.5
MT	19	−1.0
DE	20	−1.5
NV	21	−2.0
HI	21	−2.0
CO	21	−2.0
AR	21	−2.0
AK	25	−2.5
NM	26	−3.0
ND	26	−3.0
MI	28	−3.5
MD	28	−3.5
WV	30	−4.0
WI	30	−4.0
SC	30	−4.0
AZ	30	−4.0
SD	34	−5.0
OK	34	−5.0
KY	34	−5.0
IN	34	−5.0
OH	38	−6.0
FL	38	−6.0
NC	40	−6.5
LA	40	−6.5
IA	40	−6.5
NJ	43	−7.0
MO	44	−8.0
MS	45	−9.0
AL	45	−9.0
GA	47	−9.5
DC	48	−10.0
KS	49	−11.0
WY	50	−12.0
ID	51	−15.5

Generally, states in the Southern region scored lower than states in the Northeast. Among the fourteen states receiving overall scores above zero, seven are in the Northeast region (VT, RI, PA, NH, ME, CT and MA), and four are in the Western region (OR, CA, WA and UT). Two states in the top fourteen are in the Midwestern region (IL and MN), and one (TN) is in the South. Of the fourteen states with lowest overall scores, seven are in the Southern region (FL, NC, LA, MS, AL, GA, and DC), four are in the Midwest (OH, IA, MO and KS), two in the West (WY and ID), and one in the Northeast (NJ).

During the 1996 policy debate over "devolving" welfare to the states, leaders in six states were particularly active in efforts to obtain greater state prerogatives. In the states of CA, MD, MI, NJ, OH, and WI, governors made welfare reform a major component of their policy agendas.[18] All of these states except one are doing worse than their peers in terms of promoting the economic security of recipient families. With one exception, all these states received scores at or below the median value of −3 points, while two (OH and NJ) scored among the worse in the nation. CA scored among the top fourteen states with an overall score of +4.5 points (though several of its newer policies were not implemented until after October 1997).

[18] Norris, D.F., and L. Thompson, The Politics of Welfare Reform, SAGE Publications, Thousand Oaks, CA, 1995.

Overall, fourteen states created welfare programs demonstrating greater investment in the economic security of poor families, while two states maintained the status quo under prior law. Thirty-five states (including DC) designed welfare programs which are likely to worsen the economic security of poor families.

Mr. WELLSTONE. Mr. President, let me cite two other pieces of evidence to support this amendment and to explain to my colleagues why I have been out here from the word "go" trying to get us to go on record on this question.

This is a piece from the Milwaukee Journal Sentinel. The title is "Few Leave Welfare Earning Above Poverty Level." This is about a study of welfare recipients in Wisconsin.

Only about 1 in 6 families that left welfare in Milwaukee County in 1996 earned more than poverty-level wages. This is in Wisconsin, which has really put an all-out effort to invest in this reform.

Let me read again:

Only about 1 in 6 families that left welfare in Milwaukee County in 1996 earned more than poverty-level wages in a three-month period, according to the most conclusive examination yet of what is happening to local families under Wisconsin's sweeping welfare initiatives.

It goes on to point out that "the turnover rate among those workers was extremely high—in part because the jobs were concentrated in industries that typically have plenty of part-time spots and a more transient work force."

By the first quarter of 1997, welfare recipients had left most of the jobs for which they were hired the previous year.

So again, let's just understand that this is a study that comes out based on what is happening in Milwaukee County in Wisconsin, saying one out of six families that left welfare earned more than poverty level wages—only one out of six. Moreover, a lot of the jobs are part-time jobs, jobs that people can't count on, and a lot of people had to switch from one job to another.

Finally, Mr. President, an article that appeared in the Star Tribune in my State, "Parents Face Cuts In Welfare Checks."

Hundreds of Minnesotan parents are in danger of having their welfare checks reduced starting March 1, the first wave of penalties meted out under the state's new welfare law.

Interestingly, in Hennepin County about 50 percent of the parents converting to the new welfare system are showing up for orientation meetings at work; about 70 percent are showing up in Ramsey County.

A lot of these families are in crisis. Some don't plan well—the bus can be late, they can't work out arrangements for kids. The question is going to be whether or not we are going to basically be sanctioning people and cutting people off, even people who want to work.

Now, summarizing what this amendment says, we call on the Secretary of Health and Human Services to take a look at those families who have now been moved off welfare around the country and to provide us with some data as to what the current situation is. The whole goal of this bill was to move families from "welfare" to "workfare," to move families to economic self-sufficiency. That is what we said it was about.

I have said to colleagues today on the floor of the Senate that from articles that are now coming out, looking at what is happening around the country, we see some evidence that a lot of people who have been moved off welfare have not been able to obtain jobs that pay a decent wage, have not been able to obtain employment that gets a family anywhere close to 150 percent of poverty—out of poverty. I am saying to colleagues that Secretary Shalala, who has been very direct and honest herself, has said we need to know more about what is happening with these reform efforts.

I'm saying to colleagues today that there have been some pretty hard-hitting studies that have come out, the Tufts University study being one, which have said that actually it is pretty harsh what is happening around the country. I'm saying that as I travel around the country I have tried to spend time in low-income communities. I have tried to be with people. I have tried to understand what is happening. I don't have all the empirical data, but I am just saying to colleagues what I have observed, and I think I have been honest in my observation. I have been in too many communities with long waiting lists for affordable child care for working poor, moderate income families, and now welfare. Therefore, a lot of these mothers go to work but there is not adequate child care for their children.

I don't want to see, nor should any of my colleagues want to see, more children put in harm's way because of action that we have taken. I am saying to colleagues that in too many inner-city communities and too many rural areas, people have said to me that the jobs aren't there, nor is the transportation available to enable them to get to some of the jobs, that they would work, for themselves and their families.

I am saying to colleagues that you cannot argue that because there has been a reduction of 4 million recipients, that that represents reform if it hasn't led to reduction in poverty. You can't say something is working well if what is happening is that many of these families are economically worse off and many of these children are not better by what we have done.

I am saying to colleagues that I have heard enough speeches on the floor of the Senate about children. I have heard enough speeches about the very early years being very important for nurturing of a child, very important to fire

up a child's imagination. I am saying to colleagues that in a whole lot of cases these single parents—almost all women, even with children younger than 1—are being told they have to leave the home and take a job. We don't know what is happening to those 1-year-olds, those 2-year-olds, the 3-year-olds and their 4-year-olds. It is our obligation to know what is happening to those children.

I am making a plea to my colleagues. This is, I say to Senator CHAFEE and Senator BAUCUS, a moderate PAUL WELLSTONE amendment. This is a moderate version. All this does is say, please, let's ask the Secretary of Health and Human Services to pull together some data and make reports to us every half a year as to how many of these families are reaching economic self-sufficiency so we have some understanding of what is going on in the country.

Before I yield the floor—and I am not prepared to yield the floor—might I ask the Senator from Missouri, because I don't want to keep him waiting long, but before yielding the floor, might I ask my colleague whether he is here to debate the amendment or intends to introduce another amendment.

Mr. BOND. Mr. President, I am interested in knowing when I might have the floor. I have a brief statement on the measure.

I will have something to say about this, but I ask my colleague how long he intends to go on.

Mr. WELLSTONE. Mr. President, if I understand my colleague from Missouri, if he has a statement on the overall legislation or something else aside from the amendment, then I want to inquire of the Senator from Rhode Island as to whether or not this amendment will be accepted. If it will be accepted, then we can dispose of it and move on.

If the Senator from Missouri means he has another point of view and wants to speak on this amendment, I am glad to yield the floor and then come back and respond to some of his arguments. I am not quite sure what he has in mind.

Mr. CHAFEE. Mr. President, it is my understanding the Senator from Missouri is going to speak on the underlying bill. Is that correct?

Mr. BOND. Mr. President, I am prepared to address the finance amendment that we reported out today and that will be brought up for debate, we hope, perhaps later today or tomorrow under the unanimous consent agreement. I wanted to speak briefly about that.

Mr. WELLSTONE. Might I ask the leader as to whether or not he has any additional information as to how he wants to proceed?

Mr. CHAFEE. What I suggest, Mr. President, is that the Senator from Missouri is not going to be very long. We will be in 45 minutes anyway, or more, before we recess. So I suggest if we could just let the Senator from Missouri go ahead, and then I have some comments I will direct to the Senator from Minnesota. That is my suggestion.

Mr. WELLSTONE. Mr. President, I don't want to keep my colleague from Missouri waiting. It would be fine with me, I say to the Senator from Rhode Island. I await eagerly his response. I hope we can reach some agreement on this.

I do have more to say about this amendment, but I don't want to inconvenience my colleague from Missouri. I am pleased to relinquish the floor.

The PRESIDING OFFICER. The Senator has relinquished the floor.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair.

I say in response to my colleague from Minnesota, be careful about relying on the Tufts study. The officials in charge of public assistance in my State and other States have pointed out some rather serious flaws in that study. We all share concerns about assuring there is adequate transportation, adequate day care, child care, for people moving from welfare to work, and I am not here to debate that amendment. At the appropriate time, we will review that amendment.

What I wanted to call to the attention of my colleagues is the fact that yesterday my good friend, the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, along with Senator BAUCUS, Senator GRAMM, Senator BYRD and the very distinguished chairman of the Budget Committee, Senator DOMENICI, announced agreement on funding levels for the highway authorization for the next 6 years. It will be $171 billion for highways.

Let me explain what that means for my State of Missouri. Under the formula that was passed out of the committee as a committee amendment today, Missouri would receive $3.6 billion—that is billion dollars—compared to $2.4 billion that Missouri received over the last 6 years of the 1991 transportation bill. Missouri's average allocation per year would be around $600 million, as opposed to the $400 million the State was receiving under the old.

That is tremendous progress. I am deeply indebted to the leadership of our committee and particularly to the budget chairman for making these dollars available. This is vitally important. Everybody in this Chamber knows how important funding for transportation is.

I was not a cosponsor of the Byrd-Gramm amendment, but I have always made clear and reiterated my support that highway money and transportation money should go for highways. In Missouri and across the country, when people go to the gas pump, buy gas and pay a tax, they think it is going to the highway trust fund. They think it is going for transportation purposes. And that is a reasonable assumption, except that in this body we have divorced the revenue from the spending stream and in the past we have had that money siphoned off to cover overspending elsewhere. In the 1993 major tax increase, a 4.3-cent tax was levied for deficit reduction.

Now, I believe that the transfer of the 4.3 cents back to the highway trust fund instead of deficit reduction has not only made a significantly increased amount of money available for transportation needs, but it has, I think, put the "trust" back into the highway trust funds. That is what we ought to be about; that is what we ought to be telling the people who are paying those taxes. We are recommitting ourselves to the basic principle and promise that we made, which is that when we provide the revenues to the Government under the dedicated gas tax money, we are going to use it for roads, bridges, highways and transportation when it's collected.

In Missouri, these funds are desperately needed. I daresay that I have heard stories from other States where they understand the importance of highway dollars. I came to the floor last week and explained that the debate over transportation funding and policy was not just an academic debate for Missourians. It is about, obviously, convenience and ease of transportation. It is about economic growth because, in our State, you can see where jobs occur. They occur where there are good highways. But most important, good highways and bridges are matters of life and death in Missouri. Highway fatalities in the State of Missouri increased 13 percent from 1992 to 1995, and many of us in Missouri know somebody or several people who have lost their lives on highways. And 77 percent of the fatal crashes during this timeframe occurred on two-lane roads.

Mr. President, it is a simple matter. When you have heavy traffic on two-lane roads, you have traffic delays, somebody gets anxious and pulls out to pass, and if there is a hill, if there is a curve, or if there is an unseen hidden spot in the road, a head-on crash occurs. That has happened too many times, and it happens because the two-lane roads that we are driving on are carrying traffic that everybody agrees should be carried on four-lane roads. This is why I say it is a matter of life and death.

In Missouri, 62 percent of the roads on the National Highway System, when you exclude the Interstate System, are two-lane roads—two-lane roads that are supposed to be part of our National Highway System. We are in the top 10, in terms of highway count, in the number of cars traveling those roads. Many

of those National Highway System roads don't even have shoulders on them. So if somebody comes across the line and you are passing a large truck, if you move too far to the right, you are off on the shoulder, and that can be deadly.

In addition, my State of Missouri has the oldest—I repeat, the oldest—bridges in the country. There are a number of things that we like to be No. 1 in, but having the oldest bridges and some of the worst conditions in the country is not one of them. This is a dubious distinction. We are sixth from the bottom in the condition of our bridges. These are the reasons that the highway funding formula and the transportation bill is so vitally important in my State. The potential funding that this bill provides is a huge step in the right direction to save lives on Missouri's highways, roads, and bridges. Last week, I told the story of driving across some of the bridges in our State where you can look down and see the water. That is not reassuring. They don't design them as "see-through" bridges. Years and years of decay have opened up gaping holes, which is a frightening prospect when you are crossing the Missouri River or the Mississippi River.

I urge my colleagues to work through the budget and the appropriations process to determine that we will make the real funding commitment and that we will meet that funding commitment that we put forward in this bill.

When I began this process, when I started work on it, I had two primary goals. One was for the transportation bill to increase the overall size of the pie for highways, and getting that 4.3 cents in is vitally important. Secondly, Missouri, as one of the donor States, needed to get its share up. I believe these two conditions are met.

You may recall last fall when filibusters held up the bill I crafted a bipartisan interim solution that enabled highway funding to continue through May 1 of this year, which means, as the distinguished occupant of the chair knows, we will be the bedeviled by those orange and white barrels this year. They will be springing up on our highways like the summer road flowers along the highways. They are going to be blossoming. I am pleased to be causing those headaches. But we need to continue the orange and white barrels; we need to continue that construction.

I know the funding debates are far from over. As I mentioned last Friday, there are reasonable people who have passionate differences, and there is nothing like a highway funding fight to bring out those differences. We hope that it is merely a matter of verbal debate. But when it comes to highway funding, these differences have been visible and audible. I want to express again my sincerest thanks to Senator CHAFEE, Senator BAUCUS, and Senator WARNER, for their leadership in working with committee members to avoid the "guerrilla warfare" that has been known to erupt on the highway bill in the past. I told the committee that I thought the leadership had achieved a rough system of justice that would make it possible for us to move this bill forward.

Nobody is going to get everything that they want, but I believe that reasonable compromises have been made, and there may still be more made. We need to get this bill moving. I look forward to working with the members of the committee and my other colleagues throughout this process to achieve the goals that we all have for our States, that I have for my State of Missouri, but, most important, that we all must have for our national transportation policy.

Again, my thanks to the leadership and my congratulations for the great staff work. We look forward to working on it. It will be an interesting debate.

I thank the Chair.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Missouri for those kind comments. We have worked closely together, and he has been a valuable member of the committee, not only on highway matters, but in other matters likewise. We look forward to his vigorous support as we move forward with this legislation.

Now, the Senator from Minnesota, I believe, has matters to discuss.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me also associate myself with the remarks of the Senator from Missouri. I think all of us owe a debt of gratitude to our colleagues, Senator CHAFEE and Senator BAUCUS, for their determination and doggedness in getting this bill on the floor. This is a very important piece of legislation, I think, for all of our States.

Mr. President, I think the Senator from Rhode Island, in a moment or two, has some questions he wants to put to me. While I am waiting for that, let me just, for my colleagues' information, give the official poverty level income for a family of one woman and two children. It is $12,516. And 150 percent is $18,774.

This amendment, everybody should understand, doesn't dictate anything. It doesn't say that every family of three ought to be able to make that income of $18,000. It doesn't mandate anything; it doesn't dictate anything. It simply says—look, I think people trust me, and I have traveled the country, and I am telling you that some of what is going on—I am not pointing the finger at any particular point, although it is uneven. It is harsher in some States than in others, but we do need to understand exactly what is going on, whether or not these families are able to find jobs and whether or not these are jobs with decent wages, and what is going on with their children. We need for the Secretary to kind of bring together some data and present reports to us so we have knowledge about this.

I see the majority leader on the floor. I would be happy to yield to the majority leader. Then if my colleague has questions he wants to put to me, I would be pleased to respond.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Minnesota for yielding me this moment of time. It won't be long.

GOLDEN GAVEL AWARDED TO SENATOR PAT ROBERTS

Mr. LOTT. Mr. President, since the 1960s, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel Award. Today, we add to the list of Golden Gavel recipients the current Presiding Officer, Senator PAT ROBERTS of the great State of Kansas, whose presiding hours now total over 100 hours, effective as of today.

I want to say this, too: I have found that, as Presiding Officer, Senator ROBERTS is reliable and enthusiastic. He maintains order, sometimes running the majority leader from the floor of the Senate Chamber if he insists on talking when not properly recognized. He maintains order with a firm hand, but, most importantly, he is consistently willing to come to the Chamber and preside over the activities here in this Chamber. He is able to handle problems that arise in an appropriate way and without hesitation. So it is with sincere appreciation that I announce the newest recipient of the Golden Gavel Award, Senator PAT ROBERTS of Kansas.

I have already determined that when we have moments of really important legislation, and when rulings of the Chair are going to be necessary and need to be made rather quickly so we can complete the business of the day, we have a new suspect that can assume the position as Presiding Officer, Senator ROBERTS of Kansas. Thank you very much for the job you have done in helping us to preside and keep the Chamber in order.

[Applause.]

The PRESIDING OFFICER. The Presiding Officer observes that under the Senate rules the Presiding Officer cannot participate in debate or comment from the dais. Should that rule not be in effect, the Presiding Officer would publicly state his thanks to the majority leader for the kind comments. But that is not permitted under the rules. The Presiding Officer is unclear about the majority leader's intent. Does the majority leader intend to introduce

that in the form of a resolution, or does he intend that it be simply made part of the RECORD?

Mr. LOTT. I think it would be appropriate just to be made part of the RECORD. I appreciate the ruling of the Chair on this matter, which I did not ask a question about. Thank you.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will add a half minute to what the majority leader said. I think one of the most important things that the Senator from Kansas does—and I mean this—is that, regardless of whether or not he is in agreement with you, he is looking at you. A lot of the times that doesn't happen. It means a lot when you have somebody presiding who has the graciousness to be looking at you with respect and to be listening to the debate. He always does that. I can never tell whether he is in agreement or disagreement. That means a lot to me. I suspect that he is usually in agreement with me, but I am not so sure.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1679

Mr. WELLSTONE. Mr. President, I might ask the Senator from Rhode Island if he has any questions. He said he wanted to ask some questions of me.

I yield the floor.

Mr. CHAFEE. Mr. President, I would like to direct, if I might, a couple of questions to the Senator from Minnesota.

I have looked over this amendment, and it's an amendment, obviously, that is in the jurisdiction of the Finance Committee, as the Senator from Minnesota has indicated. And the amendment has just been introduced, so, obviously, there have been no hearings before the Finance Committee, and it's not a matter that has previously been considered by the Finance Committee, if I understand this correctly. I ask the Senator from Minnesota if that is accurate.

Mr. WELLSTONE. Mr. President, that is accurate. Since we are not in court, and the Senator from Rhode Island is always gracious, let me go beyond the "yes or no" answer. It is not at all clear that there will be necessarily a welfare bill from the Finance Committee or a bill that I can raise this question on. We now have a vehicle out here on the floor. My feeling was that, since this amendment calls for nothing more than just to ask the Secretary of Health and Human Services to provide data and analysis to us, based upon what data she has as to what is going on with welfare reform, it doesn't seem to me that this really needs a hearing. It is pretty clear and straightforward and, I think, pretty noncontroversial.

Mr. SPECTER. Mr. President, I am voting against Senator WELLSTONE's amendment because I think it is inappropriate to place it on the pending bill, the Intermodal Surface Transportation Efficiency Act.

I do believe it is a good idea to have the Secretary of Health and Human Services obtain information from the States as to the impact of the welfare reform law on current and former recipients of federal aid, but this critical transportation bill should be moved as expeditiously as possible to get highway, transit, and safety funding moving to the States and our communities as rapidly as possible.

When the 1996 welfare reform law was considered, I noted that only time will tell if that legislation resulted in an unacceptable level of hardship on poor Americans, particularly children. Current law contains data collection requirements with respect to the impact of the changes in welfare law, and as Chairman of the Appropriations Subcommittee which funds the Department of Health and Human Services, I was pleased to provide $26 million for Fiscal Year 1998 for the Department to undertake the kinds of research and analysis we need to determine the true impact of the 1996 law. Further, as Chairman, I will continue to monitor closely the Department's performance in administering the new welfare regime. If Senator WELLSTONE offers this amendment on an appropriate bill, I will likely support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, I note that this is a piece of legislation that would direct the Secretary to develop a plan. In other words, as I read page 2 here, it says the Secretary shall develop a plan, to the extent possible based on all available information, and so forth.

What I would like to do, Mr. President, is hear from our people on the Finance Committee, which should be very shortly, and I will then see that the Senator from Minnesota has every opportunity to bring this to a vote, should he wish to, this afternoon. We will work it out. He is not going to be blocked in any fashion. But I would like to hear, and it may well be that we can accept the amendment, and that would save us all some time.

We are now just trying to check with the Finance Committee. It may be well that something from the Labor Committee is involved likewise, although it seems to me that this is pretty much a Finance Committee matter. When we get back, after our luncheon recess has concluded, I will speak to the Senator from Minnesota, and we will then be able to go from there.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Rhode Island. I say to him that I will bring the amendment to the floor in good faith with some sense of urgency, because I think it is important that we know what is happening in this matter. I take the Senator at his word. I am pleased that we will proceed this way. I say to my colleague that I hope there will be support for it. That is, of course, the whole purpose of my effort. If there should be some disagreement, then I would want, of course, the opportunity to respond to whatever other positions are taken on this amendment.

I thank the Chair. I yield the floor.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

Mr. BINGAMAN. Mr. President, I want to discuss a very important matter relating to the safety of our Nation's highways and streets, and that is DWI-related injuries and fatalities. To use more common parlance, drunk driving. This is a problem that, in spite of many prevention efforts, remains a very serious concern in our country.

The statistics are compelling. For example, on Thanksgiving, Christmas, New Year's Eve and New Year's Day 1996, those 4 days combined, there were 576 DWI-related fatalities on our Nation's highways. In that same year, 1996, nearly 1.1 million people were injured in alcohol-related crashes.

Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. I think that statistic alone should get the attention of the U.S. Senate and the Congress of this country. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds throughout this country. About 3 in 10 Americans will be involved in an alcohol-related crash at some time in their lives. Alcohol-related crashes cost society $45 billion annually, and to make matters worse, the loss of quality of life and pain and suffering costs are estimated to total over $134 billion annually.

My home State of New Mexico is not exempt from these problems. In fact, the National Traffic Safety Administration reports that my State of New

Mexico leads the country in DWI-related deaths per capita. The rate in New Mexico is 11.79 deaths per 100,000 people. This rate is 19 percent higher than the No. 2 State, which is Mississippi, and it is more than twice the national rate, which is merely 5.05 deaths per 100,000 people.

Indeed, these statistics paint a very grim picture. What makes the picture even more tragic, Mr. President, is that DWI-related injuries and fatalities are preventable. It clearly is within our national interest to do what we can to reverse this statistic. One obvious way to prevent further deaths is to ensure the sobriety of drivers. That is why I am proud to cosponsor the bill that Senators LAUTENBERG and DEWINE have introduced to establish a national blood-alcohol content standard of .08. Additionally, I am cosponsoring Senator DORGAN's bill to prohibit open containers of alcohol in automobiles. I urge my colleagues to help pass these bills this year.

Another contributing factor to the problem that I believe would make a significant difference in eliminating the problem is the practice of selling alcoholic beverages through drive-up sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol and contributes heavily to the DWI fatality rate in my home State and throughout the country. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

Tomorrow I will introduce legislation entitled the "Drunk Driving Casualty Prevention Act of 1998" to prohibit the sale of alcohol through drive-up sales windows. I hope to have some cosponsors for that provision at that time.

Mr. President, this ban will make a difference. According to one study, there are 26 States that do not permit drive-up windows. In 1996, these States had, as a combined effort, a 15-percent lower average drunk driving fatality rate than the 24 States that permit sales through drive-up windows.

In the States with the ban, the average rate was 4.6 for 100,000 people as opposed to 5.46 in all other States. On a percentage basis, States with a ban had a 14.5 percent lower drunk driving fatality rate than States that permit sales through windows.

In 1996, comparing 19 Western States in particular, the nine States that have a ban in place had a 31 percent lower average drunk driving fatality rate than the States that permit sales.

In 1995, there were 231 drunk driving fatalities in my home State of New Mexico. Based on the 14 percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could have saved between 32 and 35 lives in that year in my State. Nowhere is it more true that if we can save one life by closing these windows, we need to do that.

The difference can be explained because there are three main benefits that accrue when you close drive-up liquor windows.

First, once the windows are closed, it is easier and more accurate to check the identification when the customers have to purchase their liquor over the counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age.

A second benefit is that it is easier to visually observe a customer for clues that that customer is impaired by alcohol or other substances if they have to walk into a well-lighted establishment to make their purchase.

In one municipal court in New Mexico, 33 percent of the DWI offenders reported having purchased their liquor at drive-up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they only looked in their rearview mirror while waiting in line at the drive-up window to buy their liquor.

And third, it sends a clear message to the population that drinking and driving will not be allowed to mix.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine the characteristics and the arrest circumstances of DWI offenders who bought alcohol at drive-up liquor windows compared to those who obtained it elsewhere. Nearly 70 percent of the offenders studied reported having purchased the alcohol that they drank prior to arrest. Of those offenders, 42 percent bought packaged liquor, and the drive-up window was the preferred place of purchase.

The study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders are.

Mr. President, we have had one sort of test case in New Mexico, and that is in McKinley County. It was one county in our State that had a terrible problem with DWI and petitioned our legislature for permission to close the windows in that county, the drive-up windows. They did close those windows. Businesses in that community did not see their profits cut in two—the liquor businesses. In fact, they saw their profits jump. The DWI prevention strategy that was employed in McKinley County reduced the fatality rate from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. I plan to offer this amendment to the ISTEA legislation tomorrow or later this week. I urge my colleagues to join me in cosponsoring that legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold suggesting the absence of a quorum?

Mr. BINGAMAN. I do withhold.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess.

Thereupon, at 12:34 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Indiana, 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, the pending business, as I understand it, is the Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I ask unanimous consent to set aside the Wellstone amendment for the consideration of a McCain amendment.

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

AMENDMENT NO. 1680 TO AMENDMENT NO. 1676

(Purpose: To deal with matters under the jurisdiction of the Committee on Commerce, Science, and Transportation)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 1680.

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

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

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

Mr. MCCAIN. Mr. President, first of all, I thank Senator CHAFEE for all of his efforts on this ISTEA issue. He has done a remarkable job. He is a remarkable man. I had the privilege of working for him when he was Secretary of the Navy, and he sometimes felt he

didn't provide me with enough leadership at that time. But I am grateful for everything that he has done, and I'm especially grateful for his leadership on this very, very important issue to our Governors, our mayors, our county supervisors, and our city councils.

I say to my friend from Rhode Island, about 50 county supervisors from my State were in yesterday, and this issue dominated their conversation. I am grateful that he has been able to work through this. So the small amount that we are responsible for in the Commerce Committee, I hope, adds to this bill and helps us to move forward as rapidly as possible.

This amendment contains the proposal of the Committee on Commerce, Science, and Transportation to reauthorize ISTEA programs through fiscal year 2003.

The amendment seeks to reauthorize the National Highway Traffic Safety Administration [NHTSA] State safety grant programs, the Motor Carrier State Assistance program, and the Hazardous Materials Transportation Safety Enforcement programs.

The amendment also authorizes new and innovative safety initiatives at the Department of Transportation, including programs focusing on performance-based safety standards and advanced information data analysis.

The amendment is designed to improve travel safety on our Nation's roads and waterways, promote the safe shipment of hazardous materials, protect underground pipelines and telecommunications cables from excavation damage, and ensure that our Nation's commercial motor vehicle fleet is well maintained and safely operated.

Mr. President, this is a bipartisan product. It incorporates many of the proposals requested in the administration's ISTEA reauthorization submission. The committee product also includes a number of new transportation safety proposals.

Senator HOLLINGS and I have worked to accommodate as many Members' requests and concerns as possible, but there are some outstanding questions.

One of the more difficult areas we faced concerned the many requests we received to provide statutory exemptions for one industry or another from certain motor carrier safety rules. Exemptions were sought from hours-of-service regulations and commercial driver's license requirements. These requests are not new. We face them every time Congress considers legislation affecting Federal motor carrier safety regulations.

Senator HOLLINGS and I worked diligently to avoid any statutory exemptions or regulation carve outs for single industries but to ensure there is a fair process by which all requests can be considered appropriately.

Let me be clear. I agree that under certain circumstances, exemptions from regulations may make sense. For example, I believe it's appropriate to acknowledge the special transportation time constraints of farmers during the planting and harvesting seasons, and that we should recognize the need to permit infrastructure maintenance and repair to operate during weather emergencies.

But blanket exemptions and wholesale legislative carve outs for selected businesses and enterprises can weaken safety. The answer is a fair and credible administrative process.

The Secretary of Transportation currently has the authority to grant exemptions. However, the authority is relatively meaningless because prior to granting a waiver or exemption, it must first be proven the exemption would not diminish safety. That's an appropriate consideration, but how can DOT assess an exemption's safety risk if it can't first test the concept on a limited pilot basis?

In an attempt to address this problem and recognize the Secretary should be permitted to examine innovative approaches or alternatives to certain rules, Senator HOLLINGS and I have worked to define a process whereby the Secretary may more appropriately grant waivers and exemptions. This legislation would also authorize the Secretary to carry out pilot programs to test the effects of limited regulatory exemptions. I believe this pilot approach is reasonable and could be carried out in a structured manner that does not impose a risk on public safety.

The committee's amendment includes three amendments adopted by voice vote when the Committee considered the safety amendment. The three amendments incorporate exemptions for three industries.

When these three amendments were debated in the Commerce Committee, I pledged that I would work with the sponsor to craft a safe alternative to the exemptions. These efforts have not succeeded yet, and I want to inform my colleagues that there will be some proposals in the next hours or days to alter those exemptions.

Finally, I want to thank Senator HOLLINGS and the other members of the Commerce Committee who worked so long and hard to get to the Senate Floor today with this amendment.

I urge my colleagues to adopt this critical and comprehensive amendment.

Mr. President, before yielding the floor I want to comment briefly on the issue of airbags. Last year a compromise was reached on language to be inserted in the ISTEA legislation.

I want to thank Senator KEMPTHORNE for his leadership on this issue. He has done the nation a great service by leading the effort to ensure that airbags will not pose a risk to infants.

We are all aware of the tragic accident in Idaho last year where an infant was decapitated by an airbag and of the other infants and children whose lives have been taken. Senator KEMPTHORNE feels this issue personally and deeply and this amendment will help us address this very serious problem.

I would also like to thank Senator HOLLINGS, and Senators BRYAN, GORTON, ABRAHAM, ASHCROFT, and others without whose involvement and help this compromise would not be possible.

I also thank the Secretary of Transportation and the head of the National Highway Transportation Safety Administration.

I will submit a more detailed statement on this issue later, but I would like to quickly summarize what's happening. This amendment deletes the airbag provision in the pending measure and replaces it with an alternative that codifies the current rule suspending the unbelted crash barrier test and requires the Secretary to begin rulemaking on advanced airbags that are more protective of infants, children and other occupants no later than June 1, 1998.

The Secretary would complete the rulemaking next year and the rule will include a phase-in of advanced airbags beginning with model year 2001 and completed by no later than model year 2005.

The pace of the phase-in shall be determined by the Secretary and shall be as rapid as practicable, but does permit the Secretary to postpone benchmark dates by one year with cause. Any further delays would require an Act of Congress.

Again, I thank all Members who were a part of this effort. I believe it will contribute significantly to traffic safety and I will submit a more detailed statement for the RECORD at a later time.

I want to say, Mr. President, that Senator KEMPTHORNE saw that this issue entailed enormous tragedies. I don't know how one could see an infant being decapitated without being deeply moved. Unfortunately, it wasn't a single incident. There have been numerous fatalities of children. I think Senator KEMPTHORNE's amendment which he will be proposing will be shortly forthcoming.

Mr. President, pending the appearance of Senator KEMPTHORNE, I yield the floor.

Mr. HOLLINGS. Mr. President, I am pleased to offer along with Commerce Committee Chairman, Senator MCCAIN, the Commerce Committee amendment to S. 1173, the International Surface Transportation Efficiency Act (ISTEA).

Mr. President, the Commerce Committee has worked together, in a true showing of bipartisanship, to craft this amendment. In this amendment the Committee has developed proposals to improve travel safety on our nation's roads and waterways, promote the safe

shipment of hazardous material, advance pipeline transportation safety, and ensure that our nation's commercial motor vehicle fleet is well maintained and operated. This is not to say that we have left all of our policy disagreements behind us with this amendment. There are several that remain to be resolved and we are still attempting to resolve those issues. But on balance we have an amendment with which we all may be proud. I will take a few minutes to outline the amendment's more important provisions.

The amendment reauthorizes various grant programs administered by the National Highway Traffic Safety Administration (NHTSA), designed to improve road safety. The amendment reauthorizes grants to develop countermeasures to alcohol-impaired driving. Two new grant programs are also created. One encourages States to provide for the primary enforcement of seat belt laws. The second encourages states to improve the quality of their highway safety data.

The amendment reauthorizes funding and strengthens the programs to ensure the safe transportation of hazardous materials. It expands hazardous materials training access by allowing states to use a portion of these grants to assist in training small businesses in complying with regulations. We also strengthen enforcement by giving the Secretary of Transportation the authority to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard.

The amendment also reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding to the states for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews, and safety data collection. Moreover, the amendment removes many of the program's prescriptive requirements in favor of a performance based approach. The Secretary will have the authority to order unsafe carriers to cease operations. We also authorize additional funds to ensure the timely and accurate exchange of important carrier and driver safety records.

Perhaps most importantly, we provide the Secretary with the authority to establish pilot programs and grant waivers of regulations to motor carriers. If carriers can show that an alternative approach to regulation will aid safety and be less burdensome, the Secretary can authorize such an alternative. Regulation can be tailored to specific circumstances rather than "one-size-fits-all" regulation.

In the area of rail and mass transportation safety as requested by the Administration we provide for criminal sanctions in cases of violent attacks against railroads, their employees, and passengers. The amendment also extends the basic Wallop-Breaux Aquatic Resources Trust Fund for boating safety and reauthorizes the Clean Vessel Act, allocating $10 million annually for state marine sanitation device projects and $10 million annually for state boating infrastructure projects.

As I noted earlier, not all of our policy disagreements have been solved. I continue to be concerned about three provisions which seem to undermine our efforts to achieve safer highways. These provisions would allow exemptions from federal regulations for utility drivers and those engaged in agribusiness. Specifically, the federal hours of service act which governs how long a driver may drive in any one day, the hazardous materials transportation requirement that ensures that emergency response teams have the necessary information to combat a hazard material incident, and the Commercial Driver's License (CDL) requirements are waived under these provisions.

I think these exemption provisions "go the wrong way" on safety. Indeed, the provisions are also unnecessary given the other provision that allows DOT to develop safe pilot programs and waivers for individuals, companies, and industries. I would like these provisions modified and I remain hopeful that we can work out these issues.

With that caveat I believe that the Commerce Committee has under the leadership of Senator MCCAIN, given us an ISTEA amendment that we all can support and I commend it to the Senate.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, let me just express my appreciation to the distinguished chairman of the committee for the leadership which he has provided us and for the bipartisan approach he has taken in crafting the amendment which is before us. I would like to associate myself with his comments and observations with respect to the so-called "industry exceptions" in airbag provisions.

There are generic provisions that provide for pilot projects which I think is appropriate. And, as the Senator has pointed out, a commitment was made during the markup to try to work out some of the concerns that have been voiced by some of our colleagues who want these wider exceptions in airbags. Unfortunately, as the Senator from Arizona has pointed out, we have not yet reached an agreement on those areas. But I want to work with him, and I pledge my support in trying to fashion a compromise that does not emasculate the safety provisions and give blanket exceptions and waivers under the provisions of the amendment which is currently part of the amendment which has been proffered.

Let me also acknowledge and compliment the chairman on his leadership in bringing those of us together who have worked for many years on the airbag legislation. That legislation has its genesis in the 1991 ISTEA markup, at which time the senior Senator from Washington and I worked to incorporate those airbag provisions into the legislation. We recognize, as do all Members, that the unexpected infant fatality count as a result of by and large the inappropriate placement of infant seats has caused the problem that we want to respond to. I believe, under Senator MCCAIN's leadership, he brought a group of us together, and through several sessions we have worked out a compromise that is part of this legislation. I am pleased to endorse it.

So I look forward to working with the distinguished Senator from Arizona as we process this part of the highway legislation.

Mr. President, I ask unanimous consent to speak for approximately 7 minutes. It is relevant to the bill but not to the amendment.

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

Mr. BRYAN. I thank the Chair.

Mr. President, I want to preface my remarks by thanking the leadership on both sides of the political aisle, the able and distinguished chairman, Senator CHAFEE, as well as the able and distinguished ranking member, Senator BAUCUS, for an agreement which has put an additional $26 billion in terms of contract authority into this legislation that we are processing. This is no inconsiderable accomplishment. I recognize that leadership effort lasted for a number of months. It involved Senators PHIL GRAMM, Senator BYRD, and others. But this is a very important thing. It is bipartisan. I am pleased to support that effort.

There are many Federal programs that provide important services to the States. But, as a former Governor, I can tell you that there is no Federal program that is more important than the highway program.

In addition, the funding mechanism for Federal transportation funding—the gas tax—creates an even greater and moral and ethical obligation for us to do our work, and to provide a long-term reauthorization of ISTEA.

The mechanism that my colleague has chosen in putting this compromise together; namely, using the highway component of the additional 4.3 cent gas tax to provide this additional contract authority, I think is particularly appropriate and very sound and a sensible means to provide that enhanced contract authority.

Although Nevada is still small by the national standard, in the last decade we have experienced the most rapid growth rate of any State in the Nation.

Although there are still plenty of sparsely populated, wide-open spaces, we have also become the most heavily urbanized State. While in many respects this tremendous growth has

been a positive development, the growth has brought with it a host of infrastructure demands that we are currently struggling to meet.

Perhaps the greatest current need in Nevada is highway improvements. Our limited interstate system and other Federal highways were largely designed in the 1950s and early 1960s when Nevada was a far different place than it is today. Despite a tremendous effort by State and local governments over the past decade, nearly every one of the major arteries is currently operating far beyond its capacity, and there is no end in sight to the increased demand.

We need more capacity on our highways, and the Federal Highway Program is a major partner in that effort. The highway needs of Nevada are even more acute when viewed in the context of our State's heavy dependency upon our largest industry, which is tourism.

Despite our increased reliance on air travel, highways, particularly roads that connect us to our major markets in California, are the key to Nevada's commerce. Some of these major arteries, particularly I-15, Las Vegas' major connection to southern California, operate so far beyond capacity that they threaten to become an impediment to Nevada's incredible economic success story.

In fact, one of the most important demonstration projects the Nevada delegation is pressing for in the pending legislation is a project outside our borders, and that is the widening of Interstate 15 in California from Barstow to Victorville. The passage of this ISTEA legislation is imperative, and sooner better than later.

As we will recall, in the 1991 reauthorization we were successful in including funding for the "Spaghetti Bowl," the most congested part of the downtown access in Las Vegas. Nearly 6 years later, the ground breaking for that project occurred late this last fall. That is an indicator of the time lag that it takes for us to get projects authorized and funded to contract and to construction. This time around, Nevada's highway needs are even greater than in 1991, and the projects we need to fund in the coming years dwarf the "Spaghetti Bowl" project which previously had been the largest highway project in our State's history.

Throughout the State, in both northern and southern Nevada, many large and vital highway projects will need to be financed, and financed soon, and the Federal Government through the ISTEA formula is going to be an essential partner.

In southern Nevada, the State plans to expand the major artery to the rapidly growing northwest sector of Clark County by greatly expanding the capacity of US-95. In northern Nevada, we need to complete the long-awaited connection between Reno and the State capital in Carson City along US-395, and Carson City itself needs a freeway bypass around the capital and commercial areas. We need money to build a new, safer bridge over the Colorado River, taking existing hazardous traffic off the Boulder Dam.

Highways and roads are not the only transportation solutions in the works in Nevada. To an extent which would have been unthinkable only a few short years ago, we are becoming increasingly dependent on mass transit. Both of our major metropolitan areas, Las Vegas and Reno, have significant public bus and paratransit systems which make a major contribution to both mobility and air quality in their respective communities.

The Citizen Area Transit system, or CAT, in southern Nevada, in particular, has been an incredible success story in only a few short years of operation, and it is currently planning on more than doubling its bus fleet in the next several years to more than 500 vehicles. CAT is also well along in the planning process for a major fixed guideway system serving the heavily traveled resort corridor.

Both the bus fleet expansions and the fixed guideway system are counting on their fair share of Federal transportation dollars, something that will simply not be there any time soon if we do not finish our work on ISTEA as quickly as possible.

The State of Nevada and the assorted local governments have all stepped up to the plate. We heard frequently in this partnership with the Federal and State and local governments that local governments must do their fair share. In Nevada, State and local governments have done their fair share. They have imposed some of the highest highway taxes in the Nation upon our residents to provide for those additional improvements which I have alluded to.

What we are currently lacking is a solid, long-term commitment from the Federal Government as part of the Federal Government's requirement to live up to its partnership responsibilities. In fact, the Federal highway and transit programs are just that, they are bargains, commitments made with the American people.

Unfortunately, in what has been a long source of frustration to me, first as a Governor and now as a U.S. Senator, the Federal Government has not lived up to its side of the bargain. Every time any one of us buys a gallon of gasoline, we pay 18.4 cents to the Federal Government, money that is supposed to be set aside and dedicated and spent for highway and transit improvements. As we all know, this is often not the case. Somehow, a good part of this funding never makes it back to the States for highway improvements.

The trust fund balance now stands at more than $20 billion. By the year 2003, the balance of the trust fund could exceed $70 billion, all of which has essentially been taken from the American people under false pretenses; that is, the money is collected for highway improvements but not fully allocated for that purpose. I am hopeful with the compromise that has been effected that we will work to address what I believe is a failure of Federal responsibility.

The time is right for us to increase transportation funding to levels that more accurately reflect the payments taxpayers have been making to the trust fund and to get to work on some of the very transportation and infrastructure problems facing our State and our Nation. Nothing can happen, of course, unless we complete ISTEA soon, and that is why I believe that it is one of the most important priorities for us to deal with in this session of the Congress.

Again, Mr. President, I thank my colleagues who have worked out the compromise that has increased the contract authority by some $26 billion. That is something that every State will benefit from, and a State such as my own with a backlog of infrastructure needs will need this additional funding in order to complete these projects.

WALLOP-BREAUX TRUST FUND

Mr. MCCAIN. Mr. President, the amendment to S. 1173 offered by me and Senator HOLLINGS, on behalf of the Commerce Committee, includes a subtitle relating to the Sport Fish Restoration and Recreational Boat Safety programs authorized and funded by several laws comprising the Federal Aid in Sport Fish Restoration Program. These laws include the Dingell-Johnson Act of 1950, the Wallop-Breaux Amendments of 1984, the Wetlands Restoration Act of 1990, and the Clean Vessel Act of 1992. These laws, and the provisions of subtitle F in the amendment that I am offering today, are admittedly under the jurisdiction not only of the Commerce Committee, but also the Committee on Environment and Public Works. However, for the sake of expediency in reauthorizing ISTEA, the provisions relating to the Dingell-Johnson/Wallop-Breaux program in the ISTEA bill are being considered through this amendment.

Mr. CHAFEE. I applaud my colleagues on the Commerce Committee, particularly the distinguished Chairman Senator MCCAIN, the ranking member Senator HOLLINGS, and Senators SNOWE and BREAUX for their hard work on these provisions. Although the subtitle regarding the Dingell-Johnson/Wallop-Breaux program is included in the amendment offered on behalf of the Commerce Committee, I would like to express my gratitude to my colleagues on that Committee for the opportunity to remain involved in the negotiations leading to the language in the subtitle, and for the recognition that jurisdiction for that subtitle remains within

both Committees. Indeed, the Federal Aid in Sport Fish Restoration program, taken in its entirety, is primarily under the jurisdiction of the Environment and Public Works Committee.

Mr. MCCAIN. Our Committees have worked together on legislation relating to this program in the past, and on this particular amendment that we are offering today. Both the Committee on Environment and Public Works and the Committee on Commerce each maintain jurisdiction over different components of this program. Both the U.S. Fish and Wildlife Service and the U.S. Coast Guard implement different components of the program. The Aquatic Resources Trust Fund, which is the funding source for the Program, is divided into the Sport Fish Restoration Account and the Boat Safety Account, which are closely intertwined with each other. For example, funds for boat safety programs come not only from the Boat Safety Account but also from the Sport Fish Restoration Account. In addition, unexpended funds in the Boat Safety Account roll over into the Sport Fish Restoration Account. This complicated flow of funds makes the programs almost inseparable. It is my opinion that while each Committee maintains jurisdiction over different components of the program, both Committees should work closely and collaboratively on legislation relating to this program.

Mr. CHAFEE. I wholeheartedly agree with the distinguished Chairman of the Committee on Commerce.

Mr. MCCAIN. In engaging in this colloquy, Senator CHAFEE and I recognize that each committee maintains jurisdiction over different components of this program and different provisions relating to the program contained in subtitle F, and further reaffirm our joint commitment, responsibility, and jurisdiction regarding the Dingell-Johnson/Wallop-Breaux program. I thank the distinguished Senator from Rhode Island for his cooperation on this matter.

Ms. SNOWE. Mr. President, I rise in support of the Commerce Committee Safety amendment, and wish to commend the Senator from Arizona, Mr. MCCAIN, for his efforts to bring this amendment to the floor. In particular, I commend him and the Committee for its incentive approach to the serious problem of drunk driving. The Committee amendment provides four grants that provide additional funding to states that take the zero tolerance approach to drunk driving. States that have already enacted tough laws, like my own State of Maine, are eligible for additional funding, while these grant programs will serve as an incentive for other states to pass the tough laws necessary to keep drunk drivers off the roads.

I would also like to briefing explain my provision in this amendment that requires Maine and the Department of Transportation to create a performance based system to evaluate a state trucking law to determine if it is a safety concern.

Maine has lost half of its Motor Carrier Safety Assistance Programs (MCSAP) for the last two years—$145,000 per year—because of a state law providing an exemption from motor carrier safety regulations for trucks traveling within 100 air mile radius of their home base. This loss of funding means that the State cannot hire more state troopers for the Motor Vehicle Enforcement Unit and in fact may have to lay off another trooper if this issue is not resolved soon.

The Maine law in question is used primarily by construction companies, farmers, loggers, sand and gravel, landscaping and local delivery vehicles. In another words, small businesses who do intrastate delivery work or must travel some distance to a work site. Maine did a study for Federal Highway to show that the exemption was not a safety problem, but Federal Highway would not give the state a waiver. The State's study, done by the Maine State Police found no safety problems. And in 1995, the Governor's Task Force on Motor Vehicle Safety, which reviewed Maine's truck laws, recommended that this exemption be kept because it did not have an impact on safety.

My language seeks to end this impasse in order to improve safety by first giving the state its full funding so it can hire more troopers and second to evaluate whether or not the exemption is a safety problem. The language requires the State and the Department to work together to establish a review system for the State to carry out to determine, based on empirical evidence, whether or not this exemption has a negative impact on safety.

The burden will be on Maine to show whether or not there are safety implications to this particular state law. I am confident that this cooperative effort will reassure the Department while at the same time allowing Maine to improve safety on our roadways.

Thank you.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent the amendment be agreed to and it be considered as original text for the purposes of amendment.

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

The amendment (No. 1680) was agreed to.

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

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

AMENDMENT NO. 1681 TO AMENDMENT NO. 1676

(Purpose: To improve airbag safety)

Mr. KEMPTHORNE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 1681 to Amendment No. 1676.

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

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

The amendment is as follows:

On page 40, after line 10, insert the following:

SEC. 3106. IMPROVING AIR BAG SAFETY.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208, Occupant crash protection, 49 CFR 571.208, that requires air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is suspended until either the rule issued under subsection (b) goes into effect or, prior to the effective date of the rule, the Secretary of Transportation, after reporting to the Commerce Committee of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, determines by rule that restoring the test is necessary to accomplish the purposes of subsection (b).

(b) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve the occupant protection for all occupants provided by Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraph (1). If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), and advises the Congress of the reasons for this determination, the Secretary may extend the date for issuing the final rule by not more than one year. The Congress may, by joint resolution, grant a further extension of the date for issuing a final rule.

(3) METHODS TO ENSURE PROTECTION.—Notwithstanding subsection (a) of this section, the rule required by paragraph (2) may include such tests, including tests with dummies of different sizes, as the Secretary determines to be reasonable, practicable, and appropriate to meet the purposes of paragraph (1).

(4) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning

not earlier than September 1, 2001, and not later than September 1, 2002, and shall become effective not later than September 1, 2005, for all motor vehicles in which air bags are required to be installed. If the Secretary determines that the September 1, 2005, effective date is not practicable to meet the purposes of paragraph (1), the Secretary may extend the effective date for not more than one year. The Congress may, by joint resolution, grant a further extension of the effective date.

(c) REPORT ON AIR BAG IMPROVEMENTS.—Not later than 6 months after the enactment of this section, the Secretary of Transportation shall report to Congress on the development of technology to improve the protection given by air bags and reduce the risks from air bags. To the extent possible, the report shall describe the performance characteristics of advanced air bag devices, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

On page 167, after the matter appearing after line 18, insert the following:

Strike section 1407 of the bill.

In the table of sections for the bill, strike the item relating to section 1407.

Amend the table of sections for the bill by inserting the following item at the appropriate place:

Sec. 3406. Improving air bag safety.

Mr. KEMPTHORNE. Mr. President, this amendment deals with the airbag issue. Before I describe this amendment, I want to commend and thank Senator MCCAIN, the chairman of the Commerce Committee, for all of his tremendous help and leadership and assistance on this issue of airbag safety, as well as Senator BRYAN of Nevada who has had a keen interest in this for a number of years also. I appreciate the comments Senator MCCAIN made a few moments ago about my involvement in this issue of airbag safety.

This amendment does a variety of things, but one of the things that is very important is that it affirms that airbags are to be supplemental restraint systems, which is stamped on all the cars, "SRS," supplemental restraint systems. They are not the primary restraint system, which is your seatbelt. I think whatever source you may look to, you will find that the seatbelt is the safest device that you can use in your car.

With the airbags that have been placed in cars, we now see on the new cars it points out that this airbag may kill children. The tragedy is that, in fact, it has killed children. The numbers that just came out have indicated that 54 kids now have been killed by airbags, 36 drivers have been killed by airbags and four adult passengers, for a total of 94 individuals who have been killed by these airbags.

I am one who believes that airbags certainly can be a good safety device when they are designed to standards that place them in their intended role as supplemental safety devices. This allows us now, and I will not go into the details because Senator MCCAIN has laid that out very well, but this now allows us to go through with the Secretary of Transportation the rulemaking and the testing. It allows us to have a testing of these airbags for all sizes of adults. It is going to allow us to now have safer bags that will save lives so that we will not see these costly tragic numbers that I have just recited, and it will protect occupants of all sizes.

I do believe that the National Highway Traffic Safety Administration, NHTSA, has had the authority to go forward with this. Their repeated conclusion is that they did not.

Mr. President, recognizing that Senator MCCAIN is the chairman of the Senate Commerce Committee with jurisdiction over issues related to traffic safety, is he aware that the National Highway Traffic Safety Administration says current law does not allow airbags to be regulated as supplemental restraint systems, and specifically that NHTSA does not have the legal authority to repeal the so called unbelted test standard?

As the Senator knows, the American Law Division of the Library of Congress has reviewed this issue and has concluded that NHTSA has ample legal authority to repeal the unbelted test. The view of the Library of Congress is supported by a number of other legal experts as well.

Mr. MCCAIN. I agree that NHTSA currently has the statutory authority to modify the testing methodology for airbags to advance their safety or efficiency.

Mr. KEMPTHORNE. Is it the Senator's view that this amendment is consistent with the statutory interpretation that airbags are supplemental restraint systems, not primary restraint systems, and should be regulated in such a fashion and do you agree that airbags do not substitute for lap and shoulder belts and that all occupants should always wear safety belts regardless of whether there is an inflatable restraint in the vehicle?

Mr. MCCAIN. The Senator raises an important point. Airbags are an important safety device, but they are designed to supplement the protection offered by safety belts. Safety belts are the primary safety device and should be worn by all vehicle occupants.

Mr. KEMPTHORNE. Does the Senator agree that the pending amendment affirms the responsibility of the Secretary of Transportation to improve the occupant safety of all occupants provided by Federal Motor Vehicle Standard No. 208 while minimizing the risk to infants, children, and other occupants from injuries and death caused by airbags and, in order to accomplish the rule making required by this amendment, the Secretary shall include tests with dummies of different sizes representing the full range of occupants from infants to adults? The amendment only allows the Secretary of Transportation to reimpose the current safety standard after giving full advance notice to Congress, after giving the public time and opportunity to comment and then only if he or she concludes that doing so would protect infants and children, as well as other occupants, from death and injury. This amendment does not change the policy that airbags are still a supplemental, not a primary restraint system.

Mr. MCCAIN. Airbags are certainly not a substitute for safety belts. I want to emphasize again that all vehicle occupants should always wear a safety belt.

Mr. KEMPTHORNE. Thank you. I ask unanimous consent to have printed in the RECORD two legal opinions that make clear NHTSA had and retains the legal authority to repeal or modify the unbelted seat belt standard.

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

MAYER, BROWN & PLATT,
Washington, DC, January 22, 1997.

MEMORANDUM

To: Phillip D. Brady.
From: Erika Z. Jones.
Re NHTSA's authority to repeal or suspend the unbelted test in FMVSS 208.

You asked for a legal analysis of the question of whether NHTSA could lawfully repeal or suspend the current requirement in Federal Motor Vehicle Safety Standard 208 requiring manufacturers to certify compliance in both the belted and unbelted conditions. We conclude that there are no legal constraints on NHTSA's authority to do so.

BACKGROUND

FMVSS 208 (49 C.F.R. Section 571.208) specifies performance standards for occupant protection in crashes. Among its requirements, FMVSS 208 currently requires manufacturers to certify compliance with the performance standards in two conditions: first, with the crash test dummy belted with the manual three-point safety belt, and second, with the dummy unbelted. See S10(b)(1) of FMVSS 208.

In 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) (Pub. L. 102-240). Part B of the ISTEA, cited as the National Highway Traffic Safety Administration Authorization Act of 1991, included Section 2508 which mandated that the Secretary of Transportation shall amend FMVSS 208 to provide that "the automatic occupant crash protection system" of each new passenger car and light truck "shall be an inflatable restraint complying with the occupant protection requirements under section 4.1.2.1" of FMVSS 208. The section continued that it "supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208, including the amendment to such Standard 208 of March 26, 1991 [citation omitted] extending the requirements for automatic crash protection . . . to trucks, buses and multipurpose passenger vehicles."

In 1994, Congress enacted Public Law 103-272 on July 5, 1994. Section 1 of that Act explained that general and permanent "laws related to transportation . . . are revised, codified, and eanacted . . . without substantive change." Thus, the codification Act transferred the provisions of the former National Traffic and Motor Vehicle Safety Act

from Title 15 to Title 49. In the process of the codification, most provisions of the Act were restated, with some omitted as unnecessary or amended for clarity, although none of the omissions or amendments was intended to introduce substantive change.

The air bag mandate in the ISTEA found itself codified at 49 U.S.C. §30127, "Automatic Occupant Crash Protection and Seat Belt Use." The codified language reads as follows:

"(b) Inflatable restraint requirements.—(1) . . . The amendment shall require that the automatic occupant crash protection system for both of the front outboard seating positions for [passenger cars and light trucks] be an inflatable restraint (with lap and shoulder belts) complying with the occupant protection requirements under section 4.1.2.1 of Standard 208."

The codification also retains most of the statement of intent that originally appeared as part of the air bag mandate. The original statement of intent asserted that "[t]his section supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208 . . .". In the codification, however, the new placement of this provision is in §30127(f), now stating that "[t]his section revises, but does not replace, Standard 208 as in effect on December 18, 1991, . . .". The reference to "supplement[ing]" FMVSS 208 was omitted in the codification, apparently due to a view that it was unnecessary.

In addition, the codification did not substantively change the ISTEA provisions that instructed NHTSA to amend FMVSS 208 to require that each owners' manual explain that "the 'air bag' is a supplemental restraint and is not a substitute for lap and shoulder belts" and that "occupants should always wear their lap and shoulder belts, if available, or other safety belts, whether or not there is an inflatable restraint." §30127(c)(2) and (4).

The evidence suggests that the requirement for FMVSS 208 certification in the unbelted condition is dictating air bag inflation output that is greater than would be necessary if the unbelted certification test were eliminated or suspended. NHTSA has recently acknowledged that the substantial inflation output of current air bags designs can pose risks to some front seat occupants, particularly children and small statured adults. For example, NHTSA's recent rulemaking notices extending the air bag cutoff switch option in certain vehicles, proposing to permit depowering of air bags and proposing to authorize disconnection of air bags by dealers all contain substantial discussions of the "adverse effects of current air bag designs." See 62 Fed. Reg. 798–844 (January 6, 1997).

In its original incarnation, FMVSS 208 was intended primarily to protect unbelted adult occupants, because safety belt use was very low. In 1984, when FMVSS 208 was reinstated, NHTSA observed that driver safety belt use in the front seat was approximately 14% nationwide. Today, however, adult safety belt use in the front seat is estimated to be close to 70%, due in large measure to the success of state safety belt usage laws, all of which were enacted within the last thirteen years. Today, all states but one require safety belt usage by vehicle occupants, and these requirements, coupled with seat belt usage education efforts, have been successful in raising safety belt usage to levels far in excess of those contemplated in 1984.

Of at least equal significance, there is no sign that Congress considered any evidence of the risks to children and small adult front seat occupants from air bags designed to meet the requirements of FMVSS 208 when the ISTEA was enacted in 1991.

* * * * *

NHTSA has now concluded that the ISTEA air bag mandate, as codified in Title 49, requires the agency to retain the unbelted compliance test because its repeal would eviscerate the requirement for "automatic occupant crash protection system[s]." In a letter dated January 13, 1997 to Senator Dirk Kempthorne, NHTSA Administrator Martinez explained the agency's reasoning as follows:

"If the unbelted test were eliminated from FMVSS No. 208, such that vehicles only had to satisfy the performance requirements of the standard with the manual belts attached, there would be no way to ensure that the air bags would in fact provide "automatic" protection to front seat occupants."

NHTSA thus advised Senator Kempthorne that it "lack[s] legal authority to eliminate the unbelted test".

For reasons discussed in more detail below, we do not concur that NHTSA is so constrained in its authority to interpret the statute and the standard. In particular, NHTSA retains authority to interpret the statute and the standard in a manner that achieves the safety objectives of FMVSS 208 and the ISTEA mandate for an automatic crash protection system—which is an air bag as a supplemental restraint.

ANALYSIS

General principles of administrative law recognize that regulatory agencies "must be given ample latitude to adapt their rules and policies to the demands of changing circumstances," as long as the changed policy is accompanied by a "reasoned analysis for the change." *Motor Vehicle Manufacturers' Ass'n.* v. *State Farm*, 463 U.S. 29, 42 (1983) (internal quotations and citations omitted). Therefore, unless there is an explicit or implicit restriction in the Vehicle Safety Act, as amended by ISTEA, precluding NHTSA from responding to the newly acknowledged information about safety risks posed by current air bag designs, NHTSA retains "ample latitude" to amend FMVSS 208 to remove the unbelted test.

1. The Vehicle Safety Act Does Not Explicitly Preclude NHTSA From Repealing or Suspending the Unbelted Test

Nothing in 49 U.S.C. §30127 or in §2508 of ISTEA explicitly precludes NHTSA from repealing or suspending the unbelted certification test in FMVSS 208.

First, nothing in ISTEA §2508 amends, restricts or otherwise affects NHTSA's plenary authority to amend safety standards, authority which is incorporated in the general rulemaking authority to "prescribe" motor vehicle safety standards in 49 U.S.C. Section 30111(a). In fact, the ISTEA language carefully states that the amendment "supplements and revises, but does not replace" FMVSS 208. And, as discussed above, administrative law principles recognize the authority agencies have to amend their rules to reflect changed circumstances. Absent an explicit Congressional direction limiting that plenary authority in the case of FMVSS 208, NHTSA retains its general authority to amend its safety standards.

Second, when Congress wishes to "freeze" a regulation in place, it knows how to do so. For example, Section 216(7) of the Clean Air Act (42 U.S.C. §7550(7)) "froze" the then-existing EPA definitions for certain terms for purposes of the emission standards established by that Act, in the following way:

The terms "vehicle curb weight," "gross vehicle weight rating" (GVWR), "light-duty truck" (LDT), "light-duty vehicle," and "loaded vehicle weight" (LVW) have the meaning provided in regulations promulgated by the Administrator and in effect as of November 15, 1990. The abbreviations in parentheses corresponding to any term referred to in this paragraph shall have the same meaning as the corresponding term. 42 U.S.C. §7550(7).

Since no such explicit restriction "freezing" the 1991 edition of FMVSS 208 in general, or S4.1.2.1 in particular, was incorporated into the ISTEA amendments, NHTSA is not precluded by statute from amending FMVSS 208, or interpreting it in such a way as to repeal or suspend the unbelted compliance test.

Althouth some may argue that the language is the codified Vehicle Safety Act referring to a revision to FMVSS 208 "as in effect on December 18, 1991" is tantamount to a "freezing" of the requirements of FMVSS 208 as stated on that date, such an argument cannot survive. First, the quoted language did not appear in the ISTEA itself. Since the codification expressly stated that it was not intended to introduce any substantive change, the inclusion of the December 18, 1991 effective date in the codification (but not the original enactment of ISTEA) cannot have any substantive meaning, and surely cannot convey an intent by Congress in 1991 or 1994 to "freeze" FMVSS 208 in the context of the December 18, 1991 provisions. Second, the quoted language does not appear in the substantive requirements for air bag installation, which appear in subsection (b) of Section 30127. Rather, the quoted reference to the December 18, 1991 version of FMVSS 208 appears in subsection (f) of that section, which states that the air bag mandate "revises, but does not replace, Standard 208 as in effect on December 18, 1991." In that context, the citation to the December 18, 1991 version of Standard 208 is nothing more than a reference point, rather than a legislative desire to "freeze" the requirements. Finally, NHTSA has already compromised any theory that the December 1991 provisions of FMVSS 208 are legally "frozen"; for example, NHTSA has already amended FMVSS 208 to allow air bag cutoff switches which clearly amended FMVSS 208 to allow air bag cutoff switches which clearly affect the "automatic" nature of the protection afforded by the air bag.

The ISTEA, as codified in Title 49, thus does not explicitly limit NHTSA's plenary authority to amend FMVSS 208 to respond to the concerns about air bag inflator output in general, or to repeal the unbelted test in particular.

2. The Vehicle Safety Act Does Not Implicitly Preclude NHTSA From Repealing or Suspending the Unbelted Test

For several reasons, there is no implicit constraint on NHTSA's authority to amend FMVSS 208, including S4.1.2.1 if necessary, to eliminate the requirement for certification with an unbelted test dummy.

First, as noted above, there was no express constraints included in ISTEA or the codified Vehicle Safety Act on NHTSA's authority to amend FMVSS 208 in any respect. As long as the proposed amendment otherwise satisfies the Vehicle Safety Act's criteria for rulemaking (objectively, practicability, safety necessity), nothing precludes NHTSA from promulgating such an amendment, particularly in light of Congress intent to consider air bags as supplemental restraints, as well as the more recent acknowledgement by the agency that current air bag designs may

pose safety risks for some small front seat occupants.

Second, nothing precludes NHTSA from electing to test compliance with FMVSS 208 with a belted (as opposed to an unbelted) test dummy. In enacting ISTEA, Congress expressed a preference—indeed, a mandate—for an occupant protection system that included both an air bag and a "lap/shoulder belt", which NHTSA has interpreted to mean a manual, three-point seat belt. NHTSA has ample authority to revise FMVSS 208 to reflect supplemental occupant protection, and to decide to evaluate compliance in accordance with this Congressional preference, i.e., with air bags in combination with manual three-point seat belts. The literal language of the codified Vehicle Safety Act strongly supports this interpretation, noting that the automatic protection shall "be in inflatable restraint (*with lap and shoulder belts*)" (Emphasis supplied).

Third, even if NHTSA were not persuaded that it should interpret the ISTEA mandate to authorize (indeed, prefer) testing the air bag as a supplemental restraint in combination with lap/shoulder belts pursuant to the currently prescribed belted test, NHTSA has substantially overstated the concern (as expressed in the letter to Senator Kempthorne) that elimination of the unbelted test would mean that there would be "no way to ensure that the air bags would in fact provide 'automatic' protection to front seat occupants. If NHTSA wished to assure that the air bag was providing some additional "protection" over and above the lap/shoulder belt, then the agency could modify the standard to evaluate in the belted test the incremental protection provided "automatically" (i.e., separately) by air bags. There is no legal reason why such a separate evaluation has to be an unbelted test measuring the same four injury criteria currently in force. For example, NHTSA could add to the belted test some injury criterion which likely could not be met in a vehicle without an air bag. NHTSA has not taken, and could not take, the position that it is without authority to change the injury criteria by which air bag performance is measured. Indeed, NHTSA is proposing elsewhere to do exactly that—revise the injury criteria for thorax acceleration—although that is being proposed for other reasons.

While it is true that NHTSA could not, consistent with the ISTEA mandate, amend FMVSS 208 in such a way as to eviscerate the air bag mandate entirely, an amendment of FMVSS 208 to eliminate the unbelted test would not be such a radical change to the standard. Indeed, there is nothing in ISTEA to suggest that Congress subscribed to the original FMVSS 208 notion that the occupant protection afforded by air bags should necessarily be evaluated without manual safety belts. The Congressional mandate that lap/shoulder belts (interpreted by NHTSA to mean manual three-point safety belts) be provided along with air bags—a substantial enlargement of the original requirements of FMVSS 208, which would have protected *unbelted* occupants—along with the mandate for owner's manual revisions regarding air bags as supplemental restraints, all suggest instead that Congress understood the modern view that air bags are supplemental, not primary, occupant protection and must be used along with manual safety belts for optimal protection. Given that Congress directed this substantial revision to FMVSS 208 as part of the ISTEA amendment, it would be entirely reasonable for NHTSA to conclude that compliance with the new FMVSS 208 requirements should be evaluated with a belted, not an unbelted, test dummy.

3. NHTSA's Own Recent Rulemaking Actions Show That The Agency Retains Substantial Discretion to Amend FMVSS 208, Including With Respect to the Air Bag Mandate

NHTSA has recently adopted an amendment to FMVSS 208 extending the previously authorized cutoff switch to vehicles manufactured after the affective date of the ISTEA mandate for "automatic" protection. This amendment belies any proffered limitation on NHTSA's authority to change the nature of the "automatic" protection provided under FMVSS 208. Indeed, if NHTSA could not lawfully eliminate the unbelted compliance test, because it would leave unevaluated the Congressional mandate that "automatic" protection be provided by means of "inflatable restraints," then how could NHTSA permit cutoff switches, which permit the "automatic" protection to be eliminated altogether when the switch is activated?

In fact, NHTSA is not constrained by ISTEA or the codified Vehicle Safety Act from adopting an amendment that eliminates the unbelted compliance test, if the rulemaking record justifies doing so. NHTSA's amendment of FMVSS 208 to permit cutoff switches is an implicit acknowledgement of the agency's authority to revise FMVSS 208 to reflect contemporary developments in motor vehicle safety.

NHTSA's recent proposals to amend the test conditions of FMVSS 208 in other respects, such as by raising the thorax injury criterion to 80 G's, from the current level of 60 G's, further reflect the agency's acknowledgement of its plenary authority to revise FMVSS 208 to reflect modern understandings of motor vehicle safety needs.

* * * * *

Nothing in the ISTEA or the codified Vehicle Safety Act explicitly or implicitly constrains NHTSA's authority to repeal the unbelted compliance test for certification with FMVSS 208.

Although the statute indisputably requires "automatic" protection by means of "inflatable restraints," NHTSA retains full authority to define what the protection criteria will be, and how the protection will be evaluated. Congress did not evidence any intention of constraining NHTSA's authority and responsibility to do so.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, January 31, 1997.

To: Honorable Dirk Kempthorne; Attention: Gary Smith.

From: American Law Division.

Subject: Whether the Administrator of the National Highway Transportation Safety Board Has the Authority to Amend, Alter, Change or Otherwise Supplement the Test Procedures for Automatic Restraints Set Out in Paragraph S10(b)(1) of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. §571.208, ¶ S10(b)(1)).

You are concerned that the current testing of vehicle airbags has led to a standard for airbag deployment which may in some situations actually imperil vehicle occupants, and would, therefore, like for the Administrator of the National Highway Transportation Safety Administration (NHTSA) to order tests to determine whether and to what extent airbag deployment pressure might be reduced. The Administrator has informed you that it is his belief that he is prohibited from doing so. Accordingly, you have asked that we review a memorandum prepared by the law firm, Mayer, Brown & Platt, which concludes that the Administrator does have the authority to amend the vehicle safety standard which sets forth the test dummy positioning procedures for crash-testing motor vehicles (Federal Motor Vehicle Safety Standard (FMVSS) 208 ¶ S10(b)(1), Occupant crash protection, 49 C.F.R. §571.208 ¶ S10(b)(1)). For the reasons discussed below, we conclude that there is ample evidence to support that conclusion; and further, that there may not be any need to amend the language of the referenced paragraph.

BACKGROUND

In 1966, Congress determined that it was necessary to "establish motor vehicle safety standards" in order to protect the public against "unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles [or the] unreasonable risk of death or injury to persons in the event accidents do occur." The same Act required the Secretary of Transportation "to establish by order appropriate Federal motor vehicle safety standards." and further authorized the Secretary "by order [to] amend or revoke any Federal motor vehicle safety standard established under this section . . . [taking into consideration] relevant available motor vehicle safety data, including the results of research, development, testing and evaluation activities conducted pursuant to this Act."

In response, the Secretary, through the Administrator of NHTSA, promulgated Part 571 of 49 C.F.R., "Federal Motor Vehicle Safety Standards," which include FMVSS 208, Occupant crash protection. The stated purpose for promulgating the Standard was "to reduce the number of deaths of vehicle occupants, and the severity of injuries . . ."

In the "National Highway Traffic Safety Administration Authorization Act of 1991," Congress directed the Secretary of Transportation "to promulgate, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 . . . an amendment to [FMVSS] 208 to provide that the automatic crash protection system for the front outboard designated positions of [certain described vehicles] . . . shall be an inflatable restraint [i.e., an airbag]. . . ."

The same section states that it "revises, but does not replace [FMVSS] 208," merely extending the "automatic crash protection" requirement to "trucks, buses, and multipurpose vehicles."

FMVSS 208 ¶ S10(b)(1), which sets forth the way in which "automatic restraints" are to be tested, states that "In a vehicle equipped with an automatic restraint at each front outbound seating position . . . each test dummy is not restrained during one frontal test . . . by an means that require occupant action. If the vehicle has a manual seat belt provided by the manufacturer . . . then a second front test is conducted . . . and each test dummy is restrained both by the automatic restraint system and the manual seat belt . . ."

DISCUSSION

As the Mayer, Brown memorandum correctly states, "[g]eneral principal of administrative law recognize that administrative agencies 'must be given ample latitude to adapt their rules and policies to the demands of changing circumstances,' as long as the changed policy is accompanied by a 'reasoned analysis for the change.'"[11] Only in the case of a mandate in which Congress has specified some or all of the specifies to be included in any Agency's promulgations would

an Agency be precluded from altering or amending those specifics; the statute which first required that motor vehicle safety standards be enacted contained only the directive to the Secretary of Transportation that he promulgate "appropriate Federal motor vehicle safety standards," and further gave the Secretary the authority to "by order amend or revoke any Federal motor vehicle safety standard established under this section." Accordingly, it would appear that the Administrator of NHTSA not only has the authority to amend his own agency's safety standards, but may be expected to do so when he is in possession of "relevant available motor vehicle safety data."

That the provision which requires airbags does not envision that "automatic crash protection" is to be construed as "protection afforded in the absence of a seat belt" is illustrated by the future requirement that

"the owner manuals for passenger cars and trucks, buses, and multipurpose vehicles equipped with an inflatable restraint include a statement in an easily understandable format that

"(1) either or both of the front outboard seating positions . . . are equipped with an inflatable restraint referred to as an 'airbag' and a lap and shoulder belt;

"(2) the airbag is a supplemental restraint;

"(3) lap and shoulder belt also must be used correctly . . . to provide restraint or protection. . . ."

The only statutory reference to "automatic" that our research has uncovered appears in the Conference Report that accompanied ISTEA: "the Senate notes that the current regulations of the Department of Transportation . . . require that passenger cars be equipped with 'passive restraints,' which include either airbags or automatic seatbelts that do not require actions by the occupant in order to be engaged" (House Conf. Rep. No. 102-404 at 400). In other words, it appears that the statute which requires the installation of airbags as automatic, or passive, restraints neither envisions nor requires (because airbags are considered as "supplemental" restraints to be used in conjunction with seatbelts) that they must be tested in unbelted conditions.

Finally, we note the improbability, given the languages set out above to emphasize that airbags are to be considered only as a "supplemental" restraint, that FMVSS 208 ¶ S10(b)(1) requires that crash tests to evaluate airbag deployment pressure be conducted on completely unbelted test dummies in order to determine the pressure at which protection from frontal impact crashes would be available.

JANICE E. RUBIN,
Legislative Attorney

Mr. KEMPTHORNE. Mr. President, without going back and reciting all of the past history, this is an amendment that, through a collaborative process, will now bring us to the point of safer air bags.

A little girl who was killed in Boise, ID, was the reason for my involvement in this whole issue. So I hope that the family will find some consolation, some peace, in knowing that the loss of that precious little child will now lead us to a new era of safer air bags so that other families will not have to experience the tragedy that they have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1681) was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I personally am in support of the amendment of the Senator from Idaho. I think it is a good amendment. And he has moved his amendment, hasn't he?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. CHAFEE. Well, put me down as in favor of it.

I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may speak for up to 10 minutes.

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

Mr. WYDEN. Thank you very much, Mr. President.

Mr. President, the amendment that was agreed to by the Environment Committee with respect to funding for these critical transportation programs for our country really ought to be called the "Truth In Transportation Funding Act" because it ensures that gasoline taxes collected for transportation purposes will actually be spent on those critical transportation projects.

For too long in America, the Congress has played a budgetary shell game—pretending to put funds away in various transportation programs but actually slipping those funds into other spending accounts.

Mr. President and colleagues, this con game has been closed down. Now Congress is on the way to making the highway trust fund sacrosanct again. Transportation taxes will, indeed, pay for transportation services. This means that the dollars will be used on the ground where they are needed, not squirreled away in some account that never seems to be spent.

Today, the Congress will be in a position to bring much-needed relief to citizens who face transportation gridlock across our country. The Congress is adding an additional $26 billion of transportation spending to what is now in the Senate ISTEA II bill. This translates for our State into an additional $40 million per year.

In our State, transportation dollars are now stretched so thin that the State department of transportation is not developing new projects. We have focused our efforts on merely maintaining existing roads because we did not have funding available to pay for improvements. Until now, there was little hope on the horizon that more funding would be forthcoming.

The Environment Committee's amendment is like emergency surgery for Oregon's clogged transportation arteries. If Congress now passes this bill, it will be possible to think in terms of improving the health of our transportation system instead of how to avoid further deterioration. We will be in a position to plan improvements to reduce congestion in an already overtaxed system. We can start to think about the future and how to handle our State's growing population, and many other parts of our country will be able to do the same.

Mr. President and colleagues, I have always believed that you cannot have big league quality of life with little league transportation systems. In the modern world, a transportation bill is about so much more than how you get from point A to point B. A strong infrastructure is one of the basic ingredients to any recipe for economic growth. It is one of the key things that our businesses look at as they consider where to locate and one of the principal contributors to our quality of life.

I support the Environment Committee's amendment, and I urge my colleagues to support the additional funding needed to build the transportation system our Nation will need to compete in the 21st century.

Let me conclude, Mr. President, by saying that I intend, in the days ahead, to take to this floor to discuss other parts of this important legislation. Our State has been a leader nationally in developing an innovative approach to managed growth in our country. This legislation allocates $20 million per year to reward those States and communities that have been willing to take fresh, creative approaches to handling growth.

I am also working, and there was discussion in the Environment Committee today, with Senator GRAHAM, Senator BOB SMITH, and others, on a way to streamline the process and ensure that the dollars that are allocated for transportation projects are spent in the most effective way. In the past, there has really been a disconnect between the way transportation dollars are allocated and the environmental permits that are associated with actually getting those projects built and on line. We have been working on a bipartisan basis to bring together environmental leaders, builders, and those who were involved in planning our roads, and we believe that we are on our way to coming up with a streamlined system that is going to make it possible for us to save dollars and ensure that the transportation projects are built expeditiously while we still comply with the

critically needed environmental laws for our country. I intend, in the days ahead, to talk about those commendable features of this legislation as well.

I want to conclude by congratulating my friend, Senator BAUCUS, from Montana, and Senator CHAFEE for an extraordinary bit of work. This bill is heavy lifting. There are Senators with very strong views. There are regional differences of opinion. But I think we have been able to forge a piece of legislation that is going to make a difference in the 21st century.

I conclude my remarks by especially praising our chairman, who has entered the Chamber, JOHN CHAFEE, and Senator BAUCUS, the ranking minority member, because it is their work that has made it possible for us to come to the floor today.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Oregon for his kind comments. He has done yeoman's work on the Environment and Public Works Committee, not only in connection with this legislation, but with a whole series of environmental legislation. So having praise from him is doubly satisfying.

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. CHAFEE. 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. CHAFEE. Now, Mr. President, we have the so-called Lautenberg amendment that we would like to take up. This is the amendment that deals with the alcohol content in blood. The amendment would lower the alcohol content, which is a test, for drunken driving, from .1 to .08.

Mr. President, we would like to enter into a time agreement on this. The time agreement would be something in the neighborhood of an hour and a half apiece. And now is the time for those Senators to come to the Chamber if, one, they object to this time agreement, and, two, the plan, further, would be that we would vote this evening. In other words, that would take us up to about 6:30, if all the time were used.

So I want to send the word out, we are about to enter into this agreement. I trust offices are listening to what we are saying here and will come on over or call the cloakroom with their views because we want to move on.

We have legislation we have to make progress on. We have been on this floor for some time but now we are ready for this particular amendment, the drinking amendment, which most people are familiar with.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might ask my good friend, the chairman of the committee, Senator CHAFEE, wouldn't it also be a good idea for Senators who are interested in an amendment that might be offered by Senator MCCONNELL, with respect to the disadvantaged business enterprise, to also have their staffs come over to the floor so we can potentially begin to work on it, an agreement on that amendment? That is another amendment that is going to take some time. It is contentious. The more we start working on the provisions of the debate, the more quickly we can reach a time agreement. I guess that would be another subject we should address as well.

Mr. CHAFEE. Well, I certainly agree with the distinguished ranking member. Senator MCCONNELL has been very thoughtful. He has been on the floor. He is ready to go. We want to find out how many people want to speak on Senator MCCONNELL's amendment so we can get some concept of the time that should be set aside. But that is another amendment.

My thinking now is, if we can work out proceeding with the Lautenberg amendment, tomorrow morning we would take up the financing amendment that was agreed to in the committee today as a result of the agreement that was reached yesterday. There may be some debate on that. I do not know. But we are free to take that up tomorrow.

My hope is we would do that tomorrow morning. And then tomorrow afternoon we would go to the McConnell amendment. But the Senator from Kentucky legitimately wants to know how many people want to speak on his amendment. We want a time agreement. He wants a time agreement. I am for a time agreement, enthusiastically for a time agreement.

So, therefore, would individuals who want to speak on the McConnell amendment call up the cloakroom, let us know how long they think they need, and which side they will be on so we can figure that out. The same goes with the Lautenberg amendment.

Time is of the essence. We will reach an agreement pretty quickly on the Lautenberg amendment. Now is the time for people to call with their thoughts.

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

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

AMENDMENT NO. 1679

Mr. CHAFEE. Now, Mr. President, before the Senate we have the Wellstone amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I will talk a little bit about that. We have no time agreement, but I will be relatively brief, maybe 10 minutes. The Senator from Minnesota will be roughly how long?

Mr. WELLSTONE. Mr. President, I think I can probably try to keep my remarks about 20 minutes or so.

Mr. CHAFEE. Then we would like to go to a vote. At that time I will move to table. We will have a rollcall vote at that time, Mr. President.

Now, Mr. President, the amendment offered by the Senator from Minnesota would be timely if the Finance Committee were now considering a welfare bill. The matter before the Senate, the basic underlying bill, is a highway bill, financing for highways.

The amendment of the Senator from Minnesota deals with welfare and accounting for those welfare recipients who have gone off the rolls, how have they succeeded and what has become of them. That is all well and good. But that has nothing to do with highways.

Therefore, Mr. President, I have urged the Senator to attach it to a different bill or withdraw it. I tried to stress to him that what we want to do today is consider bills that deal with the subject before us; namely, highways, their funding, how to build them, and different ideas connected therewith.

If the Finance Committee were debating a welfare bill, the amendment would be germane. But we would also oppose it even under those conditions because it is costly and unnecessary.

Now, when Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—that was only 18 months ago—one of the important features of that legislation was a commitment to find out whether the sweeping changes were effective in helping the families get off welfare dependency. What we had before us was a welfare bill. In it we had some provisions to ascertain, to do research on how the bill was working out. Congress appropriated about $44 million a year to conduct research on the benefits, the effects, the costs of the State programs that were funded under this new law. This new law was a radical departure from the way business had been done in the past. Furthermore, we were provided money to study the costs of the State programs funded under the new law and to evaluate innovative programs they might have.

Now, is the impact of welfare reform being studied? One of the points the Senator from Minnesota makes is that this is a subject worthy of study. Our point, Mr. President, is that it is being

studied. HHS, Health and Human Services, has awarded grants to conduct rigorous evaluations of State programs including a 5-year comparative study of the Minnesota Work First Program. In the Senator's own State a study is taking place. There are also studies on child care and child welfare being conducted by organizations such as the Urban Institute of Columbia University and Harvard.

Now, under the Welfare Act, the Secretary of the Department of Health and Human Services is required to make an annual report to Congress on whether the States are increasing employment and earnings of needy families, and are they increasing child support? I think the child support was one of the points that the Senator mentioned. The report that is required from the Secretary of HHS, the annual report, has to include progress on decreasing out-of-wedlock pregnancies, how are we doing on child poverty, reducing that. It is to include demographic and financial characteristics of families applying for assistance, the families receiving assistance, and families that become ineligible for assistance. I know the Senator is particularly concerned about the effectiveness of employment programs. He mentioned that in his amendment.

The Welfare Act requires a specific study on moving families out of welfare through employment. That is already required. It requires an annual ranking of the States in terms of the most and the least successful work programs. The new $1 billion high-performance bonus program will reward States which are successful in increasing earnings for welfare families.

Beginning in 1999, just a year from now, the Secretary is required to conduct an annual report on a broader set of indicators, including whether or not children and families have health insurance, the average income of these families, and educational attainment of these families. Thanks to the efforts of Senator MOYNIHAN, Congress now receives an annual report. It is called Indicators of Welfare Dependence. It has a wealth of information. Mr. President, here is a copy of the report. This is no light-weight work. It is filled with graphs and percentages of children, age 0 to 5 in 1982, living in poverty by number of years in poverty; percentage of individuals living in poverty by numbers of years in poverty. On and on it goes. It has average monthly AFDC benefits by family and recipients in current and constant dollars. It is a very, very thorough report.

Now, my concern is that States have been developing and implementing data collection systems for more than a year now. For Congress to suddenly impose, as the Senator's amendment does, new requirements for more information to track all former welfare recipients is a major undertaking and something we should not enter into lightly. The impact on States is likely to be costly and burdensome.

The Senator's amendment is good news for computer and data processing vendors, but it is unlikely to mean anything, I suspect, for families and our efforts to combat welfare dependency. The amendment also calls for a report which may give an inaccurate picture about the lives of individuals who enter and leave the welfare system.

Now, the accent of the Senator's amendment is on employment. Employment is an important reason that families find economic self-sufficiently, no question, but it is not the only reason. Families leave welfare because child support is being collected for the first time. They will leave because their children will have health insurance and no longer need take a risk of having their children without health insurance if their earnings are increased.

Mr. President, these are the reasons that I find the amendment well meaning but unnecessary, particularly in view of the massive amount of reports that are already being required, one of which I briefly indicated.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. First of all, let me thank my colleague from Rhode Island for his graciousness. For those who might be watching this proceeding, my colleague could have just simply tabled this amendment. He didn't do that. He will eventually, but he has given me an opportunity to respond to his arguments. I want him to know that I appreciate it.

Mr. President, I won't spend a lot of time on the question of this amendment on the ISTEA bill—which is essentially the highway bill for highways and, hopefully, more mass transit—because, as my colleagues know, Democrats and Republicans alike, we look for vehicles whereby we can come out and introduce amendments that really speak to what we think are some real concerns in the country. All of us do that all of the time. I am doing it now. I am not so sure there will be, I say to my colleague, a welfare bill that will be before the U.S. Senate any time soon. I introduce this amendment with some sense of urgency. I don't think there is any evidence whatever that we will have a welfare bill before the U.S. Senate. So if I am going to have an opportunity to make an appeal to my colleagues, now is the time to do so.

Second, I want to just make it clear what this amendment does and what it does not do. I am puzzled by the opposition, with all due respect to my colleague from Rhode Island. This amendment just simply says to the Secretary of Health and Human Services, please give us a report based upon—not your going out and collecting all sorts of other data—but based upon the data that is available to you.

My colleague just said that there will be some good data available. Most people that I know—I have a social science background—that have looked at this are saying you have a number of different people studying a number of different things and it is fragmented and does not focus on the main question I am asking. Exactly how many of the families are reaching economic self-sufficiency? This amendment just says to the Secretary of Health and Human Services, please pull together the data that is available, reports prepared by the Comptroller General, samples of the Bureau of Census, surveys funded by your own department, studies conducted by States, studies conducted by nongovernment organizations, and administrative data from other Federal agencies. Please bring that data together, coordinate that data and provide reports to us every 6 months as to exactly how many families are reaching economic self-sufficiency. The goal of that being to answer the question, Are these families now at 150 percent of poverty? Are they over poverty? What kind of jobs do they have? What kind of wages? Where are the children? Is child care available? How are people doing on transportation? Are they able to get to work? Have we had situations where people couldn't take jobs in rural areas because they couldn't get to the jobs? Have we had situations where people don't take jobs in the suburbs and metro areas because they couldn't get from ghettos to suburbs because of lack of transportation? That is all this amendment calls for. That is all this amendment calls for.

So I say to my colleagues that, in a way, I think those that oppose this amendment are trying to have it both ways. On the one hand, they are arguing that we have already collected all of this data. I think not, but if so, it's hardly an onerous requirement to say to the Secretary: Please assemble this data and give us a report every 6 months as to what is really happening out there in the country.

If the opposition to my amendment—which I have heard from some people on the other side—is, "Wait a minute, you are going to be asking the Secretary for too much," I say eventually we are going to get to the point where there is going to have to be more of an investment. Because if the Secretary isn't going to be able to provide us with the data we need, with the report we need, based upon the data out there, then I say to you we will need more. That is all the more reason to go forward with this.

So I am puzzled by the opposition. "We already have these studies that are providing us with the information we need," they say. So what is the harm in having the Secretary present reports to us every 6 months so we can

have some reassurance that these mothers, these single parents, have now been able to obtain employment that they can support their family on, and the children aren't home alone, and first graders don't go home alone after school, and more children aren't impoverished? Why in the world, if we already have the studies out there, would we not want to ask the Secretary of Health and Human Services to provide us with this report?

If, on the other hand, the basis of the opposition is what I think it is—because I think this is the case—is that this is already being done, as a matter of fact what's being done is pretty fragmented. There is good work being done. Senator MOYNIHAN would be the first to say that we can do better, and that is what this amendment says. Let's ask the Secretary of Health and Human Services to take the additional studies that are out there—and my colleague talked about some of them—and provide us with the report. If she cannot really provide us with the information we need, then we will cross that bridge when we come to it. I am not mandating that she has to provide additional information. I am saying what would be helpful to us, asking her to please bring together the data that is out there, based on these reports, and give us a report on the current situation. That is what this amendment is all about.

Now, after having said that, I would make an appeal to my colleagues. I think on our side, I know Senator BAUCUS is going to support the amendment. On our side I think there is pretty strong support for this. I hope there will be support for this on the other side as well. I think the Senator from Rhode Island—we all have these great things to say about other people and half of it may be true—is a great Senator. I wanted to get his support. I am disappointed because I don't understand what the harm is in this amendment.

With all due respect, you can get into all this language that sounds kind of impersonal and kind of cold like, "We already have studies, we don't need it," or "It is going to require us to obtain additional information, which might cost more money," and "Somebody is going to have to make the investment."

Well, Mr. President, imagine just for a moment, just ponder this question: What if I'm right?

Maybe other Senators have traveled the country. I think I have done as much travel as any other Senator in this Chamber, at least in poor communities, low-income communities. I think I have tried to stay as close to this as any other Senator. I am telling you that in a whole lot of communities it is crystal clear that people live in communities where the jobs aren't there. And in a whole lot of situations—and you will have a lot of people from your States who will tell you the same thing—these women are obtaining jobs, but they hardly pay a living wage. And one year from now, or whatever, when they no longer receive medical assistance, their families are going to be worse off.

I am hearing from a lot of States, including my own State of Minnesota, which has a very low unemployment level and which is doing well economically. I am not here to bash States, but there are studies that raise a whole lot of questions, and there have been some articles that have raised a whole lot of questions about situations where some women haven't shown up for orientation sessions, and sometimes for good reason, and it's said that they don't necessarily want to work. There are communities that have incredibly long waiting lists. The city of Los Angeles had a waiting list of 30,000 for affordable child care before the welfare bill.

Now, look, if I am right about this, if I am right that what has happened—because all too often we know what we want to know and we don't know what we don't want to know—all too often, what is going on here is, we say there are 4 million fewer recipients, a 4 million reduction in the welfare rolls. The reform is a huge success, but that doesn't mean we have seen a reduction of poverty. I am just saying, should we not know what the situation is in the country? Should we not know what kind of jobs, what wages, the child care situation, and should we not know whether these families are better off or worse off? Should we not know all of that, especially since built into that legislation is a date certain whereby, depending on the State, families will be eliminated from all assistance, the assumption being that all these people are now working and can support themselves and their children. Is that assumption valid?

Now, why in the world, I say to my colleagues, would you oppose this amendment? Why would you oppose this amendment?

One final time. This amendment just asks the Secretary of Health and Human Services to please provide to us a report based on the existing studies with data that is out there, on what the situation is around the country, on how many of these families are reaching economic self-sufficiency. Are they out of poverty now? Are their children better off? That's what we want. Or are more families impoverished? Are the jobs just minimum wage? Is there a lack of child care? Is the transportation available or not? Why would we not want to know that?

You know, I didn't mention this earlier, Mr. President, but there is another amendment I will bring out here on the higher ed bill. I wonder if my colleagues know this. In all too many States, single parents who are in school and community colleges are now being told they have to leave college to take a job. Now, here are the parents that are on the path to economic self-sufficiency. They are in school. They are trying to complete their college education so they can get a good job and support their families. They are being told that, because of the welfare reform bill, they can't complete their education. Talk about something that is shortsighted and harsh, something that is myopic. Well, that is another story and another amendment later on.

But for now, please support this amendment. Please ask the Secretary of Health and Human Services to provide us with the data. Please, colleagues, at least let's have a focus on this, let's have the information before us, let's know what is going on, let's make sure that these women and children are doing better. That would make us more responsible policymakers.

Finally, I say to my colleague, if it doesn't pass—and I hope it will—this is an amendment on ISTEA, but I will come back with these amendments over and over again. Because it is my firm belief as a U.S. Senator that we can't turn our gaze away from this. These are citizens who are not the heavy hitters, these are citizens that are not the givers, these are citizens that do not have the lobbyists. These are, in the main, poor people—mainly women and children. I think it is important that we understand what is happening to them, and it is important that we have the right information, and it is important that we do our very best to be responsible policymakers and make sure that these families aren't worse off and that these children are not in harm's way. How in the world, colleagues, can you vote against the proposition that we ought to have as much information as possible before us so that we make sure these children are not endangered, so that we can make sure these families are better off?

I yield the floor.

Mr. CHAFEE. Mr. President, as I mentioned before, we are dealing with a highway bill here. This isn't the appropriate place for that. When we did the welfare bill, I was the one who included in the welfare bill data collection provisions. Should those data collection provisions be inadequate and need to be expanded along the lines the Senator has suggested, I would be glad to work with him and see if we could not include those by working with the Secretary of HHS. This, plainly, isn't the right place for this amendment.

If the Senator has nothing further, I move to table the amendment of the Senator from Minnesota 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 amendment of the Senator from Minnesota. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—54

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Jeffords	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kohl	Stevens
Domenici	Kyl	Thomas
Enzi	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

NAYS—43

Akaka	Durbin	Lieberman
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Ford	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Coats	Kerry	Torricelli
Conrad	Landrieu	Wellstone
Daschle	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NOT VOTING—3

Allard	Glenn	Inouye

The motion to lay on the table the amendment (No. 1679) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

Mr. CHAFEE. Mr. President, what we would like to do now is move to a Lautenberg amendment dealing with alcohol-blood content. The proposal is that there be 3 hours of debate equally divided.

UNANIMOUS CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized to offer an amendment on blood-alcohol content and that there be 3 hours for debate, equally divided, under the control of Senator LAUTENBERG and Senator CHAFEE. I further ask unanimous consent that there be 1 hour remaining, equally divided, for debate. In other words, do 2 hours tonight and 1 hour tomorrow. The leader has indicated that we are to come in at 9 a.m. and that the vote will be at 10 a.m.; at 10 a.m., the Senate proceed to vote on or in relation to the Lautenberg amendment. I further ask unanimous consent that no additional amendments be in order prior to the vote in relation to the Lautenberg amendment.

Mr. BAUCUS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask the chairman of the committee—and we are checking on this—if that 10 o'clock can be delayed until 10:30? There is a problem on our side with a vote at 10 o'clock.

Mr. CHAFEE. 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. CHAFEE. 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. CHAFEE. Now, Mr. President, I modify the unanimous consent request, and as a matter of fact, I will just read it over again so everybody will understand it. I ask unanimous consent that Senator LAUTENBERG be recognized to offer an amendment regarding drinking levels, and there be 3 hours for debate, equally divided, and the time be under the control of Senator LAUTENBERG and Senator CHAFEE. I further ask unanimous consent that there be 1 hour, equally divided, for debate tomorrow morning—in other words, do 2 hours tonight and 1 hour tomorrow morning—that we come in at 9:30 a.m., and go straight to the remaining hour on the amendment, and at the hour of 10:30 a.m. the Senate proceed to vote on or in relation to the Lautenberg amendment. I further ask unanimous consent that no additional amendments be in order prior to the vote in relation to the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I thank the chairman for making that adjustment. I appreciate it very much.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to.

Mr. CHAFEE. Has that been agreed to, Mr. President?

The PRESIDING OFFICER. It has.

Mr. CHAFEE. Mr. President, the majority leader has informed me that there will be no further votes this evening. And so we will now start the debate on the Lautenberg amendment, within 2 hours.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

AMENDMENT NO. 1682 TO AMENDMENT NO. 1676

(Purpose: To provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals)

Mr. LAUTENBERG. 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 New Jersey [Mr. Lautenberg], for himself, Mr. DeWine, Mr. Lieberman, Mr. Faircloth, Mrs. Boxer, Mr. Helms, Mr. Glenn, Mr. Durbin, Mrs. Feinstein, Mr. Bingaman, Mr. Moynihan, Mr. Hatch, Mr. Wellstone, Mr. Akaka, Mr. Dodd, Mr. Kerry, Mr. Inouye, Ms. Moseley-Braun, Mr. Bumpers, Mr. Reed, Mr. Smith of Oregon, Mr. Rockefeller and Mr. Chafee proposes an amendment numbered 1682 to amendment No. 1676.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further 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 subtitle D of title I, add the following:

SEC. 14 . NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (a) from apportionment to any

State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

Mr. CHAFEE. I wonder if the Senator will yield me 1 minute?

Mr. LAUTENBERG. I am happy to.

Mr. CHAFEE. Mr. President, I urge Senators who are opposed to the amendment to come to the floor. I am designated as in control of the time in opposition, but I will confess I am for the amendment so I will not be speaking against it. And for those Senators who wish time, now is the time to come over.

There are 2 hours. We have an hour in opposition to the amendment. Obviously, I am prepared to turn over the time to anybody in opposition. But I will not be speaking against it. So I wish Senators who are opposed to this amendment would come to the floor.

Thank you. I want to thank the Senator from New Jersey.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I offer this amendment with my colleague from Ohio, Senator MIKE DEWINE, and I include, as cosponsors, Senator LIEBERMAN, Senator FAIRCLOTH, Senator BOXER, Senator HELMS, Senator GLENN, Senator DURBIN, Senator FEINSTEIN, Senator BINGAMAN, Senator MOYNIHAN, Senator HATCH, Senator WELLSTONE, Senator AKAKA, Senator DODD, Senator KERRY from Massachusetts, Senator INOUYE, Senator MOSELEY-BRAUN, Senator BUMPERS, Senator REED, Senator SMITH of Oregon and Senator ROCKEFELLER join me as cosponsors in the amendment; and Senator CHAFEE, the chairman of the committee. And all together, we have 23 bipartisan cosponsors. That is the way it ought to be because this is on behalf of the victims of drunk driving crashes—over 17,000 deaths and about one million injuries each year.

This amendment, the Safe and Sober Streets Act, establishes the legal limit for drunken driving at .08 blood alcohol content in all 50 States. Establishing .08 as the legal definition of drunk driving is responsible, effective, and it is the right thing to do. This amendment, if enacted into law, will save lives. And it is our moral imperative, as legislators, to pass legislation that will make our communities, our roads and, of course, our families safe.

This is the logical next step in the fight against drunk driving. It will build on what we started in 1984, when Democrats, Republicans, and President Reagan joined together to set a national minimum drinking age to 21. And since that time, we have saved over 10,000 lives. And contrary to the concern of the restaurant and the liquor business, those businesses have not gone under, like many warned us about at the time.

Mr. President, the question before us is, should a 170-pound man be allowed to have more than four beers in 1 hour, on an empty stomach, and get behind the wheel of a car? And our answer is, absolutely not. This amendment goes after drunk drivers, not social drinkers.

And while we are pushing for enactment of this legislation, I have had the honor of getting to know some families who have experienced the ultimate tragedy—the Frazier family from Maryland. Randy and Brenda's daughter Ashley, 9 years old, was tragically killed by a .08 drunk driver 2 years ago. This person's blood alcohol content level was .08. What we are trying to do is to establish the fact that .08 is a dangerous level for people on our roads and highways. The Fraziers have lent themselves courageously to this fight, to enact this .08 BAC level across the land.

Last March, Randy Frazier issued a call to Congress, a call that I believe captures what this issue is all about. He said, "It is time for leadership and action here in the Congress to draw a safer, saner, and more sensible line against impaired driving at .08. If we truly believe in family values, then .08 ought to become the law of the land.

Four beers-plus in an hour—now, that is on an empty stomach, Mr. President. That is not casual. That is not a casual level. An empty stomach, four beers in an hour—a 170-pound person is already impaired in their reaction to situations. They should not be allowed to get behind the wheel of a car and create a situation that is the antithesis of what we call the protection of the family.

As we debate this issue, I want each of my colleagues to consider two things: First, ask yourself, have we done enough to combat drunk driving in this country? The answer to that question, in my view, is absolutely not. Second, is a person whose blood alcohol content is .08 percent a threat to themselves and others on the road? And the answer to that one, of course, is a resounding yes.

Adopting this amendment will simply bring the United States of America into the ranks of most other industrialized nations in this world in setting reasonable drunk driving limits.

Canada, Great Britain, Ireland, Italy, Austria, Switzerland, all have a .08 BAC limit. France, Belgium, Finland and the Netherlands have a limit of .05 BAC—half of what we commonly have in our country. Sweden is practically down to zero—.02 BAC.

We heard today from President Clinton. He is very aggressively supporting this amendment. Other supporters include Transportation Secretary Rodney Slater. They include organizations like the National Safety Council; the National Transportation Safety Board; the National Center for Injury Prevention and Control of the Center for Disease Control; the American Automobile Manufacturers Association; Kemper Insurance; State Farm and Nationwide insurance companies; MADD, Mothers Against Drunk Driving, of course; the American College of Emergency Physicians.

I had a talk with a physician today at the White House when we presented this BAC .08 bill. And a physician, the head of an emergency room in the State of Wisconsin, told me that emergency rooms are sometimes so filled with drunk drivers who had been in accidents, that they cannot adequately calibrate the blood alcohol testing machine. The room is sometimes so filled from the victim's liquor-stained breath that they had to leave the room to set the calibration on the blood alcohol testing machine.

Other supporters include the Consumer Federation of America, National Fire Protection Association—the list goes on—Advocates for Highway and Auto Safety.

And we have had newspaper editorials, such as the New York Times

and the Washington Post and the Baltimore Sun. I ask, Mr. President, unanimous consent to have printed in the RECORD letters and editorials in support of this amendment.

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

[From the New York Times, Feb. 26, 1998]

ONE NATION, DRUNK OR SOBER

The danger posed by an intoxicated driver does not change when the driver crosses state lines. Neither should the legal test for sobriety. That is the practical thinking behind pending legislation in Congress to create one uniform Federal standard for drunken driving. Some critics say the measure would infringe on states' rights. But this is a problem that transcends state boundaries, requiring a tough, consistent national approach.

The measure, sponsored by Senators Frank Lautenberg of New Jersey and Mike DeWine of Ohio, and Representatives Nita Lowey and Benjamin Gilman of New York, would set a national blood alcohol limit of .08 percent. States would have three years to enact this limit before losing a percentage of their highway construction funds. This same approach was used to encourage compliance with the lifesaving 1984 law that established the 21-year-old drinking age.

Currently, only 15 states set their drunken-driving threshold at .08. Elsewhere it takes a higher level, .10, to put a driver over the legal limit. Thus most of the country would have to adopt the stricter .08 standard or lose Federal funding. This has lobbyists for liquor interests trying to depict the bill as a heavy-handed assault on harmless social drinking. But a blood alcohol level of .08 is sufficient to cause unacceptable damage to a driver's reflexes, judgment and control. Moreover, the .08 level still allows for considerable consumption. An average 170-pound man, experts say, could imbibe more than four shots of hard liquor in an hour—and on an empty stomach—before reaching a blood alcohol concentration of .08.

Far from a moralistic assault on moderate social drinking, the bill is a reasonable effort to save lives. Over 40 percent of all traffic fatalities are alcohol-related, and close to one-fourth of those crashes involve drivers with an alcohol level under the generous .10 standard. As many as 600 lives would be spared each year, and countless other serious accidents avoided, if .08 were imposed nationwide.

With support from President Clinton and lawmakers from both parties, the measure stands a good chance of winning approval when the Senate tackles the contentious issue of highway funding beginning next week—provided, of course, that generous political giving by liquor interests does not overshadow the needs of public safety.

[From the Washington Post, Nov. 8, 1997]

DRUNK IN ONE STATE, NOT THE OTHER?

Drunk drivers are deadly threats no matter where they speed or weave in this country. Yet a driver who is certifiably drunk in Virginia can roll to a "sobriety" of sorts merely by crossing into Maryland. That is a life-threatening inconsistency that exists around the country because there is no uniform standard of drunkenness on the roads. There could and should be a clear and effective standard—and Congress has legislation before it to bring this about.

Nearly all highway safety organizations and physicians groups consider a blood alcohol content reading of .08 as sufficient evidence of a drunk driver. That is the standard in Virginia and 14 other states, and it is hardly an unreasonable limit: A 170-pound man could consume four drinks in one hour on an empty stomach and still come in below .08; a 135-pound woman could down three drinks and do the same. But Maryland, the District and 34 other states have a looser standard—of .10. Why not agree on .08?

There ought to be a national standard, and such a proposition is now before Congress, with support from across the political spectrum. Legislation cosponsored in the Senate by Sens. Frank Lautenberg and Mike DeWine and in the House of Reps. Nita Lowey, Connie Morella and more than 40 other members would withhold federal transportation funds from states without a .08 standard. The logic is simple enough: Driving is an interstate activity.

One sorry explanation for the failure of states to adopt a .08 limit is that lobbyists for liquor interests have worked to kill the idea in state legislatures. In Congress they have trotted out states' rights objections. But states that are softest on drunk driving could keep their looser standards—it's just that federal taxpayers would not underwrite transportation projects for these states. Why should they, when looser laws mean more tragedies that cost the public that much more in health bills—and in lives lost?

Federal incentives to adopt safety measures do work. There are now 44 states that have a zero-tolerance policy for minors who drink and drive, and results show that the number of traffic deaths involving teenagers and alcohol has fallen nearly 60 percent between 1982 (before the federal law) and last year. All of this long ago should at least have propelled Maryland, the District and state legislators to move on their own. But now Congress can bring still better sense to highways by approving a uniform, nationally understood definition of a dangerous driver.

[From the Baltimore Sun, Oct. 25, 1997]

LOWER THRESHOLD FOR DRUNKEN DRIVING

You're driving on the beltway. The motorist in the next lane consumed four beers during the past hour. To paraphrase Clint Eastwood, do you feel lucky?

Amazingly, that tipsy driver may be within his legal rights in Maryland and 34 other states where a blood-alcohol concentration of 10 is the minimum to be considered drunk. In recent years, Virginia and 14 other states have stiffened their definition of intoxicated driving to .08. That's still more than four drinks for a 170-pound man on an empty stomach, more than three for a 135-pound woman.

Yet the state-by-state movement to .08 has stalled, often because lobbyists for liquor interests have successfully smothered it in the various legislatures. The liquor industry is foolish, because automobile deaths rooted in alcohol will only heap scorn on the business, but it is reflexively battling .08 laws nonetheless.

President Clinton and several lawmakers believe it is time to confront drunken driving with a national thrust, as the government is doing now to battle another killer, tobacco.

Under Senate Bill 412, authored by Sens. Frnak R. Lautenberg, a New Jersey Democrat, and Michael DeWine, an Ohio Republican, transportation funds would be withheld from states without a .08 standard.

Washington took a similar stand on teen drinking and driving in 1984—with dramatic effect. Traffic deaths involving teen-agers and alcohol dropped nearly 60 percent between 1982, prior to the federal law, and 1996. That was twice the drop in alcohol-related traffic fatalities for the population at large.

There was also a 25 percent drop in surveys of teens who described themselves as heavy drinkers, suggesting that the force of law nudges people to drink more responsibly. That's a critical and little recognized benefit of a .08 law. In fact, states that switched to .08 recorded an 18 percent decline in fatal crashes involving drivers with blood-alcohol rates of .15.

Medical researchers estimate 600 lives would be saved a year with a .08 law. That has been the experience in other nations with stricter standards than ours, including wine-rich France and Japan, which has fewer drunken driving deaths than Maryland alone 475 vs. 671). Even in the U.S. though, the public isn't as willing to wink at tipsy drivers as it was years ago, after hearing of or being hurt by the deaths of individuals, of families, even a princess.

Four drinks in one state make you no less drunk than four drinks in another. The abundant evidence justifies a national response.

KEMPER,
Washington, DC, October 20, 1997.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS DEWINE AND LAUTENBERG: You are both to be complimented for stepping forward to offer S. 412, "The Safe and Sober Streets Act of 1997," to the pending reauthorization of the Intermodal Surface Transportation Efficiency Act.

While we as a nation have made progress in the effort to make drinking and driving unacceptable in our society, alcohol related traffic crashes continue to be a sizable problem. Drunk driving fatalities actually increased in 1995 for the first time in a decade.

Your legislation would require the states to enact a blood alcohol concentration threshold of .08% for impaired driving or suffer a loss in federal highway construction funding. This provision should reverse the drunk driving fatality trend and save several hundred lives each year. The .08 threshold is currently in place in Canada, many western European countries and in fifteen states in the U.S. All of the medical evidence indicates that .08 is a sensible threshold to measure driver impairment.

You may feel confident of our companies' wholehearted support of your joint initiative.

Sincerely,

MICHAEL F. DINEEN,
Vice President, Legislative Affairs.

THE COALITION FOR
AMERICAN TRAUMA CARE,
Reston, VA, September 3, 1997.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The Coalition for American Trauma Care is very pleased to endorse "The Safe and Sober Streets Act of 1997," that would set a national standard for defining drunk driving a .08 Blood Alcohol Content ("BAC"). The Coalition commends your leadership in introducing this legislation that will help save the more than 17,000 lives that are lost each year on our nation's highways due to drunk driving. Nothing could be more important during this week

when the world mourns the tragic death of Princess Diana, a victim of drunk driving.

The Coalition for American Trauma Care is a not-for-profit organization representing leading trauma and burn surgeons, leading trauma center institutions, and 16 national organizations in trauma and burn care. The Coalition for American Trauma Care seeks to improve trauma and burn care through improved care delivery systems, prevention efforts, research, and by protecting reimbursement for appropriately delivered services.

The Coalition appreciates your efforts to save lives by enacting tougher drunk driving laws and stands ready to support you.

Sincerely,

HOWARD R. CHAMPION, MD,
President.

NATIONAL SAFETY COUNCIL,
Itasca, IL, December 8, 1997.

The Hon. FRANK LAUTENBERG,
The Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATORS LAUTENBERG AND DEWINE: The National Safety Council is writing to offer our strong support for The Safe and Sober Streets Act of 1977, S. 412, and for your plan to include the bill in legislation to reauthorize the Intermodal Surface Transportation Efficiency Act.

Drunk driving remains a national shame. Despite progress over the years, 41% of all motor vehicle fatalities—more than 17,000 lives lost—involve alcohol. Yet the current legal blood alcohol concentration (BAC) in most states is .10, the highest in the industrialized world.

The National Safety Council long has supported setting the BAC limit for adult drivers at .08, a point at which driving skills are proven to be compromised. If every state adopted .08, an estimated 500–600 lives a year could be saved. Although 15 states now have BAC limits of .08, incentive grants and public policy arguments alone have not succeeded in ensuring wider adoption of .08 laws. Strong federal leadership is needed to achieve a uniform national BAC limit of .08.

That is why we believe enactment of S. 412, which links adoption of .08 laws to federal highway funding, is a necessary and important step. Laws which set the legal BAC limit at .08 are a needed part of the combination of programs and policies which must be in place if we are to win the fight against drunk driving.

The National Safety Council commends and thanks you for your leadership on this critical issue.

Sincerely,

GERARD F. SCANNELL,
President.

AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS;
Dallas, TX, September 24, 1997.

The Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American College of Emergency Physicians (ACEP), representing 19,000 emergency physicians and the patients they serve, urges you to cosponsor S. 412, the "Safe and Sober Streets Act of 1997," introduced by Senators Frank Lautenberg (D–NJ) and Mike DeWine (R–OH).

Emergency physicians witness first-hand the serious injuries and fatalities that result from drunk driving. Last year, drunk driving caused more than 17,000 deaths on our nation's highways. Epidemiologic data has well established that all drivers are impaired at a blood alcohol concentration (BAC) of .08. Furthermore, at this level, the risk of being in a crash increases significantly.

For many years, the College has supported the National Highway Traffic Safety Administration's (NHTSA) recommendation that states adopt .08 BAC as the legal standard for intoxication. The "Safe and Sober Streets Act" would establish a national standard for defining drunk driving at .08 BAC by encouraging all states to adopt this limit.

The facts cannot be disputed. Too many lives have been lost and many more are put at risk every day by drunk drivers. As emergency physicians, we believe that our success is measured not only by the lives we save in the emergency department, but also by the lives we save through prevention. Thus, we urge you to support and help pass this important highway safety measure.

Sincerely,

LARRY A. BEDARD, MD, FACEP
President.

AMERICAN AUTOMOBILE,
MANUFACTURERS ASSOCIATION,
Washington, DC, March 2, 1998.

The Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR LAUTENBERG: This letter is to urge your support for legislation that would provide states with an incentive to adopt and enforce an anti-drunk driving standard of 0.08 Blood Alcohol Concentration (BAC). Such a proposal is contained in S. 412, the Safe and Sober Streets Act, co-sponsored by Senators Lautenberg, DeWine and twenty-one others. This proposal is expected to be offered as an amendment to S. 1173, the ISTEA reauthorization bill.

According to the U.S. Department of Transportation's most recent report, alcohol-related crashes account for 40 percent of all traffic fatalities. While good progress has been made over the past decade, the number of alcohol-related deaths is still over 17,000 each year. In addition, some 1.4 million drivers were arrested in 1995 alone for driving under the influence of alcohol.

Moreover, safety belt use, now required by 49 states, is markedly lower among drivers and occupants involved in alcohol-related crashes.

Clearly, more needs to be done. Currently, in most states the standard for "legal" intoxication is 0.10 BAC, while states that have enacted .08 BAC legislation have witnessed significant reductions in alcohol-related traffic fatalities, according to statistics compiled by Mothers Against Drunk Driving.

AAMA and its member companies, Chrysler, Ford and General Motors strongly urge your support of this legislation.

Sincerely,

ANDREW H. CARD, Jr.
President.

Mr. LAUTENBERG. But more important than the scores of businesses, health and science organizations, governmental agencies, public opinion leaders, is the support from the families and friends of victims of drunk driving—like, as I mentioned before, the Fraziers. They come from Westminster, MD. They lost their 9-year-old daughter Ashley.

I have also gotten to know very well some people from New Jersey, Louise and Ronald Hammell of Tuckerton, NJ. They lost their son Matthew who was growing up in the full bloom of life—very positive, doing things for the community and others. He ultimately sought to be a minister, the wonderful young man. He was rollerblading on the other side of the highway from the car that became involved in his death, and that driver crossed over the yellow line dividing the two lanes of traffic, and came all the way to the shoulder and killed this young man, and so early in his life that he had not really yet begun to develop.

Who opposes this amendment? That is the question we have to ask ourselves. The American Beverage Institute, the National Restaurant Association, the Beer Wholesalers, what is it that they have in mind when they oppose this? They say that "Oh, we're going to lose business," that you ought to be targeting the chronic heavy drinker.

Well, we are after the heavy drinker. That is why we have those roadblocks. And it is sometimes very hard to stop those who are so addicted to a substance that they cannot control themselves and wind up harming others. But does that mean that we ought not to bother because some get away with it? We know that we have to have traffic rules, we have to have red lights. Some people do not obey them. But the fact of the matter is, the majority is well-served by having rules that protect the public.

Organizations, Mr. President, which support this amendment have one thing in mind—the public's interest, the health and safety of our communities and of our roads and of our families. Organizations who oppose this amendment have one interest in mind—they only care about protecting their narrow special interest.

We have to make that judgment here. Drunk driving continues to be a national scourge that imposes tremendous suffering on the victims of drunk driving crashes and their loved ones.

In 1996, 17,126 people were killed in alcohol-related crashes. About one million people were injured in alcohol-related crashes. And I point out, Mr. President, that in the worst year of the Vietnam war—an event that scarred the hearts and the minds of people across our country—in 1 year, the worst year in Vietnam, we lost just over 17,000 people. So here, every year, we lose 17,000-plus people in drunk driving crashes. And it compares to the worst year of a war that left our Nation in mourning for many years.

Every one of these deaths and injuries could have been prevented had the driver decided to call for a ride, hand the keys to a friend, or do anything other than taking that wheel. When that person takes that wheel, it is as if they are carrying a gun. The only question—when is that thing going to go off? It is no different. Murder is murder, and the victim is just as dead

whether it comes from a drunk driving accident or whether it comes from the pulling of a trigger.

Deaths and injuries that are due to drunk driving are not "accidents." They are predictable and preventable. Every 30 minutes someone in America—a mother, a husband, a child, grandchild, brother, sister—dies in an alcohol-related crash.

In the United States, 41 percent of all fatal crashes are alcohol-related. Alcohol is the single greatest factor in motor vehicle deaths and injuries. The first step in combating this epidemic is to inject the sense of sanity in our Nation's drunk driving laws and by enacting the Safe and Sober Streets Act. The amendment we have in front of us will go a long way toward reducing the deadly combination of drinking and driving.

Mr. President, my amendment, which would have the effect of lowering this Nation's tolerance for drinking and driving by 20 percent, is what ought to be considered now. This amendment requires all States to define the point at which a driver would be considered to be drunk as .08 blood alcohol content. Fifteen States already have .08 BAC and would be unaffected by my amendment. My State of New Jersey does not have a .08 BAC, nor does the State of my chief colleague in this, Senator MIKE DEWINE, from Ohio, who is well aware of that deficiency in the State law.

Mr. President, .08 is a reasonable and responsible level at which to draw the line in fighting drunk driving. Despite what we are all hearing from special interests and their lobbyists, at .08 a person is drunk and should not be driving. Their reaction is impaired. They can't stop quick enough; they accelerate too fast; they turn too erratically.

In fact, Congress, in its wisdom, set the limit for commercial motor vehicle drivers at .04 BAC in the 1980s. So, Congress clearly understands the connection between the consumption of alcohol and the critical ability needed to drive a vehicle safely on our highways.

Mr. President, .08 BAC is just common sense. Think of it this way: You are in your car, driving on a two-lane road at night. Your child is traveling with you. You see a car's headlights approaching. The driver in this case is a 170-pound man who just drank five bottles of beer in an hour on an empty stomach in a bar. If he were driving in Maryland, he would not be considered drunk. But if he were driving in Virginia, he would be. Does it make sense? We should not have a patchwork quilt of laws when we are dealing with drunk driving.

We had the privilege of hearing the chief of police of Arlington County, VA, today at the White House. He talked about what has happened since Virginia reduced its BAC level to .08. They saw a marked improvement in the reduction of deaths on their highways. Here was someone who had the practical responsibility, the practical knowledge of seeing these victims, of tending to the injured people. He said it works. Let's do it.

Regarding this amendment, .08 utilizes what sound science and research proves, and interjects some reality in our definition of drunk driving and applies it to all 50 States so someone can't drink more and drive in New York than in New Jersey, or in this case, someone drinking in Maryland and driving to Virginia when their blood alcohol level is beyond .08.

Mr. President, there are 10 facts that demonstrate the need for this amendment:

Fact No. 1: Drunk driving continues to be a shameful epidemic that destroys our families and communities: 17,000 deaths each year to drunk driving. Isn't 17,000 too many? Each year in this country more people are killed in alcohol-related crashes than are murdered by firearms. Families and friends of drunk driving victims experience tremendous grief which changes their lives forever. Moreover, deaths and injuries from alcohol-related crashes have an enormous economic impact as well. Alcohol-related crashes cost society over $45 billion every year.

One alcohol-related fatality is estimated to cost society about $950,000, and an injury averages about $20,000 in emergency and acute health care costs, long-term care and rehabilitation, police and court costs, insurance, lost productivity, and social services.

The problem exists, and we must do more to reduce drunk driving. The American people agree. Reducing drunk driving is the No. 1 highway safety issue for the American people.

Mr. President, here is a chart reflecting a Lou Harris poll conducted 1 year ago that found that 91 percent of the respondents believe that the Federal role in assuring highway safety is critical. What do Americans consider to be the No. 1 highway safety problem? Fifty-two point nine percent look at drunk driving as the No. 1 highway safety problem; 18.6 percent look at drivers who exceed the posted speed limit by more than 15 miles per hour; 13.7 percent, young or unexperienced drivers; 6.2 percent, elderly drivers; 5.7 percent, highways in poor condition.

The poll showed the two principal causes of problems on our highways are drunk driving and those who are speeding, with drunk driving overwhelmingly the most feared matter for highway safety.

Fact No. 2: It takes a lot of alcohol for a person to reach .08, contrary to what most people think and contrary to information being given out by the alcohol lobby. I want to clear this up. According to the National Highway Traffic Safety Administration and the National Safety Council, a 170-pound man would have to drink four and one-half drinks in 1 hour on an empty stomach to reach .08 BAC; a female weighing 137 pounds would have to have three drinks in 1 hour, no food, and she is still below .08. The male, at 170 pounds, drinks four drinks and is still below .08. We are not talking about the kind of drinking that is a casual single glass of wine with dinner, contrary to what the lobbyists would have you think.

Mr. President, people with .08 BAC are drunk. Or as others say, they are blitzed, wasted, trashed, bombed. The last thing they should do is get behind the wheel. We used to use an expression around the country, and I remember hearing it often, "Let's have one more for the road." That is the last thing that we want to encourage. That is out. That happy hour is long since gone.

Fact No. 3: Virtually all drivers are seriously impaired at .08 BAC and shouldn't be driving. Here is a chart from the National Highway Traffic Safety Administration. They say at .08, concentrated attention, speed control, braking, steering, gear changing, lane tracking and judgment are impaired. When you get down to even lower levels, half of what the current level is in 35 States in the country, .05, you are talking about problems with tracking, divided attention, coordination, comprehension, and eye movement.

We are not looking to abolish social drinking. We are not looking to create a new temperance in society. What we are saying is that .08 is dangerous if you are driving.

Fact No. 4: The risk of being involved in a crash increases substantially by the time a driver reaches .08 BAC. The risk rises gradually with each BAC level, but then rises rapidly after a driver reaches or exceeds .08 BAC compared to drivers with no alcohol in their system. In single vehicle crashes, drivers with BAC's between .05 and .09 are 11 times more likely to be involved in a fatal crash than drivers with a BAC of zero.

Fact No. 5: .08 BAC laws have proven to reduce crashes and fatalities. One study of States with .08 BAC laws found that the .08 BAC laws reduced the overall incidence of alcohol fatalities by 16 percent. In other words, the involvement in fatal crashes is pervasive when alcohol is taken before the driver gets behind the wheel.

This study also found that .08 laws reduced fatalities at higher BAC levels, meaning they had an effect on extremely impaired drivers. Separate crash statistics have confirmed that finding. When the National Highway Traffic Highway Safety Administration studied the effect of .08 in five States—California, Maine, Oregon, Utah, and Vermont—it found significant reductions in alcohol-related crashes in four out of the five States, ranging from 4

percent to 40 percent when compared to the rest of the States with .10 BAC laws. You may hear that there is no "objective evidence" showing that .08 works. We have heard statements like that before from the tobacco industry, always declaring it is not proven, it is not sure, and it is not certain, but the person who is dead is dead and the family that is broken-hearted stays broken-hearted for life.

Fact No. 6: Lowering the BAC limit to .08 makes it possible to convict seriously impaired drivers whose levels are now considered marginal because they are at or just over the .10 BAC, and the judge says, in many cases, "OK, you are at 0.11; listen, watch yourself and don't do it again." Drinking and driving is a serious offense which should be handled by the appropriate authorities.

Because .08 BAC laws are a general deterrent and have proven to deter even heavier drinkers from driving, the public has an increased awareness and understanding of what it takes to be too impaired to drive. After Virginia passed the law I mentioned before, not only did traffic fatalities go down but arrests also were reduced. Mr. President, .08 laws are not the problem. They are the solution.

Fact No. 7: Most other Western countries already have drunk driving laws that are .08 or less. Here are some of the countries: Canada and Great Britain are .08; Australia varies between .05 and .08; Austria, .08; Switzerland, .08; France, The Netherlands, Norway, Poland, Finland, .05; Sweden, .02. Are we owned by the liquor-producing establishment? Are our families to be governed by rules established by the liquor lobby? I think not. This amendment would bring us into the civilized world when it comes to drunk driving laws.

Most other countries have adopted these laws because they work. For example, over the past few years France has systematically reduced its legal limit for drunk driving and has seen measurable results. In France, the country that is first in per capita wine consumption, a motorist can have his or her license revoked at .05 BAC and can be jailed if caught driving at .08 BAC. It is estimated that 33 percent of all traffic fatalities in France are alcohol-related.

Fact No. 8: The American people overwhelmingly support .08. When the question is asked, Would you be in favor of lowering the legal blood alcohol limit for drivers to .08, 66 percent of the males said yes, 71 percent of the females said yes; the female, the mother, the one who inevitably feels most pain in a family when there is a loss, 71 percent said, Please, America, stop this; get the blood alcohol limit down to a sensible point. And as we saw even at .05 people's actions are impaired. So what we are doing is the right thing here. We hope we can get the liquor people and some of the restaurant people and beer wholesalers to come on over, join us, and be the kind of corporate citizens that we know you would like to be.

So NHTSA surveys all show that most people would not drive after having two or three drinks in 1 hour and believe that the limit should be no higher than that which would get them there.

Fact No. 9: We need a national drunk driving limit. The best approach is the one we employ because it works. This amendment is written the same way as the 21-year-old drinking age law. If the medical and scientific evidence show that a person is impaired at .08 BAC and should not be driving, why should someone be deemed to be drunk in one State but not the other? If they cross the State boundary and kill somebody, that person is just as dead, and that family is just as wounded. This bill will save lives, and it is a much more compelling argument than any other.

As President Reagan said when he signed the 21 minimum drinking age bill into law, "We know that drinking, plus driving, spells death and disaster . . . The problem is bigger than the individual States . . . It's a grave national problem, and it touches all our lives. With the problem so clear-cut and the proven solution at hand, we have no misgivings . . ." President Reagan, who was strictly a person who liked to limit Federal power, said that. ". . . we have no misgivings about this judicious use of Federal power."

Sanctions, which is what we are proposing, work and soft incentives do not work. Since .08 BAC laws were part of the incentive grant program in 1993, only a handful of States have adopted .08. Incentive grant problems are the alcohol industry's best friend because they rarely have positive effects. Most telling, no single State lost highway funds as a result of the 21 drinking age law, and we expect no State to lose highway funds from the zero tolerance law. Some initiatives are important enough to employ that tool.

Fact No. 10: Based on past history, adopting .08 will not hurt the economy. There is no evidence that per capita consumption of alcohol was affected in any of the five .08 BAC States examined by NHTSA. A different, four-State analysis conducted by several alcohol industry organizations showed virtually no effect on overall consumption.

In the alcohol industry analysis, Maine, which adopted .08 in 1988, saw a slight dip in alcohol consumption in 1988, but restaurant sales actually increased 11 percent. Restaurants and the alcohol industry should support this bill because they care about their patrons. They don't want to hear about someone who just left their establishment and wound up killed on a road a few miles away. I don't care how much somebody drinks. They can drink until they fall off the bar stool; but just don't get behind the wheel of a car. This is a reasonable amendment.

We are not talking about prohibition. Remember, when you are in a bar and look at a table full of people, .08 applies to only one of those people—the driver.

As my colleagues read the materials disseminated by the opponents of this measure, you have to think to yourself, is .08 the right or the wrong thing to do? You can only have one conclusion if you care about your constituents. Don't get tangled up in whether this is too broad a reach for the Federal Government. Is it too broad a reach when the Federal Government saves lives, or when the Federal Government enacts environmental legislation that takes lead out of public buildings? Is it too much of a reach when the Federal Government posts warnings about air quality? Not at all. So don't get fooled by the alcohol lobby's machinations out there, saying, "You can't prove it. It's not so. You should work on the chronic alcoholic." Yes, we want to work on the chronic alcoholic, but we want the casual drinker, someone who doesn't realize that when they get to .08, they are in dangerous territory when they get behind the wheel. So I hope my colleagues will all join in and support this amendment.

Consider what the Wall Street Journal said:

> Safe alcohol levels should be set by health experts, not the lobby for Hooter's and Harrah's. The Lautenberg amendment isn't a drive toward prohibition, but an uphill push toward a health consensus.

Mr. President, the Senate has heard my policy arguments. The facts are on our side. I want all Senators to weigh those facts carefully. But I also want them to think about one other issue—not a fact, but a person. I want them to think about the Ashley Fraziers in their State. The child in this photograph was 9 years old. We heard her mother and father talk about her today. This accident took place about 2 years ago. They still mourn every day. When her mother Brenda talked about Ashley, she said they still set a table for four, even though they know there are only going to be three people sitting at that table, because they don't want to forget Ashley. Ashley was killed by a woman, underage, driving with a .08 blood alcohol content. Mr. President, I hope that Senators and the American people can see this child, because there isn't any one of us who is a parent or a grandparent who doesn't so treasure the life of a child like this that we would give our own lives to protect her. We are not being asked to give our lives; we are being asked to give our judgment, we are being asked to give our support.

Two years ago, Ashley's parents heard a noise and saw a sight that they will never forget. She said this morning at the White House, in the presence

of the President, that they want to make sure that this never happens to other people. They were unselfishly baring their souls, anguish, and grief to prevent the possibility of someone they don't even know from losing a child like this beautiful young girl. This was a tragedy. Stop and think about the senseless death of this 9-year-old. It pulls our heartstrings, all of us. I ask all Senators to think of this when they vote on this amendment. Think of a family's pain when they lose a child, a loved one, and help us to try to prevent this from happening again.

I urge my colleagues to support the Lautenberg-DeWine amendment to keep drunk drivers off the roads and keep them away from our kids.

I yield the floor.

Mr. CHAFEE. Mr. President, could you give the time situation? The agreement is that each side will have 1 hour. I see Senators here who will speak for the amendment. I think we can yield time to the proponents of the amendment. I am not worried about that. But I want to protect the rights of any Senators who might come over and would be against the amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Jersey has 22½ minutes remaining. The Senator from Rhode Island has 59 minutes 30 seconds.

Mr. CHAFEE. All right. If the Chair could announce when the proponents of the amendment have reached their 60 minutes, that would be helpful, and then we can figure out how to go from there. I am confident there will be time that we can yield from the side I control. But if the Chair could let us know when 60 minutes of the proponents' time is up, I would appreciate it.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield such time as I have available to my colleague from Ohio, Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUTENBERG. Would the Chair mind repeating the time available?

The PRESIDING OFFICER. The Senator from New Jersey has 22 minutes.

Mr. LAUTENBERG. I understood the manager on the other side to say he would be willing to accommodate by yielding time from his available time to other proponents. I ask the Senator from Ohio how much time he thinks he needs?

Mr. DEWINE. I state to my colleague, I wonder if I can have 20 minutes, and if the Chair can notify me after 20 minutes, we will see who is on the floor and wants to speak at that point.

Mr. CHAFEE. I am confident that we will have time for the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first thank and congratulate my friend and colleague from New Jersey, not just for his very eloquent statement and leadership today, but for his work over the years. His work has made a tremendous difference in saving a number of lives.

Mr. President, at 10:30 tomorrow morning, Members are going to have the opportunity to do something that we don't always have the chance to do. Many times, we vote on issues and we think we are right, but we don't know what the ultimate effect is going to be. This is one of those times where when we cast our vote, we know what the effect is. Members who come to the floor tomorrow morning at 10:30 to cast their vote on this amendment and vote "yes" will clearly be saving lives. There is absolutely no doubt about it. That is one thing we know. We know it based on statistics and based on history. We know it based on common sense. That is, I think, a great opportunity that we will have tomorrow. This amendment, make no mistake about it, will save lives.

As we consider legislation to authorize funds for most of our Nation's highways, we cannot avoid the issue of the safety of those highways. Tragically, in the last couple of years we seem to have been losing ground in highway safety. After well over a decade of progress, we are starting slowly to move backward.

According to the National Highway Traffic Safety Administration, alcohol-related traffic fatalities dropped from 24,050 in 1986 down to 17,274 in 1995. That was a 28 percent decrease in drunk driving tragedies over a decade. We as a nation, Mr. President, can take pride in the progress that we made.

However, unfortunately, from 1994 to 1995, alcohol-related traffic fatalities rose 4 percent—the first increase in over a decade. In 1995, alcohol-related traffic fatalities increased for the first time in a whole decade. That year, there were 17,274 fatalities from alcohol-related crashes.

Mr. President, this amendment is an attempt to gain back some of the ground that we have lost in the battle against highway fatalities. It would set a national blood alcohol standard—a standard above which the driver is legally under the influence and should not be driving an automobile. All widely accepted studies indicate that the blood alcohol standard should be set at .08 BAC, the blood alcohol content.

Mr. President, at .08 blood content, no one should be driving a car. I don't know any expert, I don't know any police officer, I don't know any scientist who has seriously looked at this issue in the whole country who does not agree with that—who does not agree that at .08 you are under the influence of alcohol, and your judgment, your reflexes, your control of the car, everything is appreciably impaired. There is no doubt about it.

Mr. President, the facts are that the risk of being in a crash rises gradually with each increase in the blood level content. We know that. NHTSA reports that in single-vehicle crashes the relative fatality risk for drivers with blood alcohol content between .05 and .09 is over 11 times greater than for drivers with a blood alcohol content of zero—11 times. When a driver reaches or exceeds the .08 alcohol level, the risk goes up even more. In fact, it dramatically shoots up even above that high standard.

Mr. President, at .08, one's vision, one's balance, one's own reaction time, one's hearing, judgment, self-control, all are seriously impaired. Moreover, at .08, the critical driving task, concentration, attention, speed control, braking, steering, gear change, lane tracking are all negatively impacted and affected.

We have all heard the arguments. The alcohol industry, in arguing against this standard, claims that—get this now—only 7 percent of the fatal crashes involve drivers with blood alcohol content between .08 and .09—only 7 percent. But what does that mean? What that translates into, if you use 1995 figures, it translates into 1,200 people in that year alone dying—1,200 people who are at precisely that level.

Some of the opponents of this bill would argue, "Oh, it is only 7 percent." Tell that to the parents who lost a child. Tell that to the brothers who lost a sister, or children who lost siblings or who lost parents. Changing the blood alcohol level content to .08 could have saved many of these lives.

Where the .08 laws have been tried, they have been proven to reduce crashes and fatalities. A study done at Boston University found that .08 laws reduced the overall incidence of alcohol-related fatalities by 16 percent. Moreover, that same study found that .08 laws also reduced fatalities at higher blood alcohol levels by 18 percent.

So it doesn't just have an impact on the .08 and .09 level; it serves as a deterrent, which affects the entire scale.

Lowering the blood alcohol limit to .08 makes it possible to convict seriously impaired drivers whose blood alcohol contents are now considered marginal, because they are just at or just over .10. Further, the .08 blood alcohol level is a supremely reasonable standard.

Let's look at the chart again that my colleague from New Jersey, Senator LAUTENBERG, showed a moment ago. I think it is important to look at this because there always is in debates such as this some misinformation that is going around. I think you have to get back to the scientific data and to look at this.

In order for a 170-pound male to reach a blood alcohol content of .08, that male would have to consume four drinks, four beers, four shots, four

glasses of wine, four in 1 hour on an empty stomach. Is there anyone in this Chamber, is there anyone in the Senate, who believes that they could sit down, drink four shots in an hour, and then get behind the wheel and drive? You might be able to do it. But would you be able to do it very well? I think the answer is clearly no.

Maybe a better question we all should ask ourselves is how many of us, knowing a friend of ours, or acquaintance, or neighbor who had four drinks in an hour on an empty stomach, would say to that person, "Why don't you take my daughter, Anna, uptown to McDonald's, put her in your car, and drive her?" It is ludicrous. There isn't a person who would do that. We know that. Yet, that is what it would take to reach the .08 standard.

A 135-pound female typically would have to consume three drinks in the same period of time.

In other words, Mr. President, the .08 standard is targeted towards those who engage, frankly, in binge drinking—not, let me repeat, social drinking. This bill will not impact social drinkers.

The opponents of this legislation apparently want the public to believe that our legislation would target for prosecution individuals who have had a beer or two, or had a beer and a pizza. That is the opposite of the truth.

I think we should ask ourselves the simple question: Should the average person who has consumed four shots of distilled spirits in an hour, four beers, four glasses of wine on an empty stomach, be behind the wheel of a car? We all know what the answer to that is.

Mr. President, the .08 legislation sets an intelligent national minimal standard, the same kind of commonsense standard that President Reagan pointed to in 1984 when he signed legislation raising the national minimum drinking age to 21. The results are in. The results of that action by this Congress and that President are in. In every year for which the national minimum drinking age was changed, roughly 1,000 lives were saved.

No one believes in States rights more than Ronald Reagan. No one talked about it more eloquently. And there were those when Ronald Reagan took that position in 1984 who said that is inconsistent, that is wrong. We understand that argument. I think Ronald Reagan had it right, as he did a lot of times. His answer was very eloquent. This is what he said about really the same type issue. I quote from President Reagan:

> This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. And, in a case like this, I have no misgivings about a judicious use of Federal inducements to save precious lives.

President Ronald Reagan, 1984, on a very similar issue.

Mr. President, our purpose here today is really exactly the same as President Reagan's was back in 1984. We are working together in a very bipartisan way to guarantee a fundamental right, because this really is about rights. It is about freedom—the right of freedom to know that when you put your family in a car on a highway and you put your child in a car, there will be an absolute minimum national standard for how sober some other person has to be to drive on that same highway. So, if there is some minimum standard when I am in Cincinnati and leave Ohio and go into Kentucky, and maybe a few minutes later go into Indiana, cross State lines, that there is some national floor, a minimum standard of responsibility. That is about my freedom as a driver. That is about my family's freedom. That is about, I think, responsibility.

That is the rationale behind the .08 standard embodied in this amendment. Simply put, a person at the .08 blood alcohol level is under the influence. No one disputes that. No one. And that person simply should not be driving a car. Our amendment would make this principle the law of the land, and it would save many, many lives.

Mr. President, I see that my time is about up. I at this point reserve the remainder of the time. I do not know if anyone—Senator CHAFEE is on the floor—who wants to speak against the bill at this point wants me to yield time. I see my colleague from Illinois is on the floor. I will reserve the remainder of our time at this point.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much.

Mr. President, I thank my colleagues for yielding time. I will be very brief because I know time is short. In addition, I would like to make some comments regarding the underlying bill, the ISTEA bill.

But, in the first instance, with regard to this amendment, I am very, very pleased to be a cosponsor of the amendment and proud to stand in support of it today. We were over at the White House this afternoon for an announcement regarding this important amendment, the .08 amendment. I was just so struck by the families who were there who had lost young ones, who had lost family members to drunk drivers; struck, also, by the fact that what is being called for in this legislation is ultimately very, very reasonable.

This legislation is not prohibition. It does not require someone not to drink at all. What it says essentially is you not get plastered when you get behind the wheel, and not get so impaired in your physical capacity that you put other pedestrians and other drivers at risk.

Listening to the mother this morning talk about how she was taking her daughter to the schoolbus when a drunk driver just came out of nowhere and took the little girl's life was enough to send chills through the heart of any mother, any parent, and certainly ought to commit our attention to the gravity of this matter and the importance of it.

There is no question but that the .08 blood alcohol level saves lives. Studies have shown that States which have adopted .08 laws have had significant drops in alcohol-related traffic deaths and that a national .08 law could prevent up to 600 deaths a year. That does not even take into account the injuries, the loss of capacity, the trauma to people that could be avoided as well—just in fatalities alone, 500 to 600 fatalities a year.

My home State of Illinois has a .08 limit.

I want to report to everybody who is looking at this issue that the results were immediate and dramatic upon the adoption of this statute by the Illinois legislature. In the first holiday weekend in Illinois, under the .08 statute, which was the 4th of July, 1997, alcohol-related fatalities were 68 percent lower than the same period in 1996—68 percent fewer deaths on a weekend. That is a dramatic result from a simple step that is a reasonable step and that ought to be taken for this entire country.

The question has been raised whether or not this is something the States themselves can do. I would point out that, again, my State of Illinois has a .08 level. Other States have higher levels. It should not be an accident of geography for Americans to be secure in the knowledge that drunk drivers will not confront them on the highways. Individuals should be able to have the confidence that if they cross over the border from Illinois to Indiana, or Illinois to Wisconsin, or Illinois to Missouri, that they will enjoy the same safety that they do in our State.

I think that this is a commonsense law, a commonsense amendment, it is a life-saving amendment, and certainly an amendment whose time has come. I urge my colleagues to support the Lautenberg-DeWine .08 amendment to ISTEA.

Mr. President, I would like to ask unanimous consent—I ask the manager of the bill—to be allowed to speak on the underlying bill and that it not be charged to this amendment.

Mr. CHAFEE. What I suggest, Mr. President, is that I am perfectly prepared to give 10 minutes from the opponents' side of the amendment to the Senator from Illinois, if that is adequate time.

Ms. MOSELEY-BRAUN. I think it will be. Yes.

Mr. CHAFEE. All right.

Ms. MOSELEY-BRAUN. I appreciate that.

The PRESIDING OFFICER. The time will be so allocated.

Ms. MOSELEY-BRAUN. Mr. President, the good news about ISTEA today is that an agreement has been ratified by the committee that will provide $26 billion in additional funding to improve our Nation's highways. The better news for States like mine and for the Nation's intermodal transportation system is that this additional money will be distributed in more effective and fairer ways than the rest of the money authorized under ISTEA. This addition to the underlying ISTEA formula will make this landmark legislation better serve the interests of our entire country. I congratulate the budget negotiators and the members of the committee for their sensitivity to the needs of States like Illinois and to the role of transportation as an activity that touches all of our country and brings us together as a people.

My home State of Illinois serves as the transportation hub for our Nation's commerce. It is home to the world's busiest airport and two of the world's busiest rivers. It is where the Nation's freight railroads come together to move goods from one side of the country to another. It is the center of the Nation's truck traffic. If you add up the value of all truck shipments in the country, Illinois has by far the largest share of any State. If you count the ton-miles of truck shipments that pass through States on their way to their final destinations, Illinois has by far the largest share of any State.

This map shows very clearly how we are the hub. We are the hub not only for the Midwest but, really, we are the crossroads of the country.

Illinois's roads, therefore, must literally bear the weight of the largest share of the Nation's commercial activity and our roads are suffering as a result. According to some estimates, nearly 43 percent of Illinois roads need repair, and almost one-fourth of our bridges are in substandard condition. Every year, Illinois motorists pay an estimated $1 billion in vehicle wear and tear and other expenses associated with poor road conditions.

In Chicago the traffic flow on some of the major highways has increased sevenfold since those highways were built in the 1950s and in the 1960s. According to a recent study, Chicago is the fifth most congested city in America.

Today's agreement provides relief to Illinois and to our Nation's transportation system, above and beyond the original ISTEA proposal. Today's agreement creates a new program, targeted toward high-density States like Illinois. The plan allocates $1.8 billion over the next 5 years for this program, of which Illinois will receive at least $36 million, and up to $54 million, a year. All told, Illinois will receive approximately $900 million more for highway improvements over the next 6 years under the agreement approved this morning by the Environment and Public Works Committee.

This is very good news for Chicago area residents who are counting on Federal funds to fix the Stevenson Expressway, and not just Chicago area residents but everybody who comes through the State using the Stevenson. This highway was built in 1964 and has become one of the most important arteries in the area, making connections to the Tri-State Tollway and the Dan Ryan Expressway. The road, the Stevenson, is literally falling apart. The State has asked for $175 million over the next 2 years to aid in this project, and today's agreement provides enough additional funds to Illinois, an additional $200 million every year for the next 6 years, and with that money the State will be able to repair the Stevenson on the schedule that is most desirable to facilitate traffic.

There is more good news. Wacker Drive, a major two-level road in the heart of downtown Chicago, is collapsing. If anyone has ever driven Wacker Drive in Chicago—it is green, and we used to call it Emerald City down there, but it's a double-decker road. According to a recent report, water leaks through joints of the double-decker road when it rains, loosening already fractured concrete and threatening to pour chunks of debris onto vehicles on the lower level. If no repairs are made, Wacker Drive will have to be closed in 5 years. This agreement allows not only for full funding of the Stevenson repair, but additional funding for Wacker Drive.

There is more good news, even greater good news for natives of western Illinois who are counting on Federal assistance for a variety of projects along U.S. 67, which runs from just outside of St. Louis, in the southwest corner of Illinois, to the Quad Cities in the northwest corner. So, over in this area.

There are literally hundreds of road repair projects planned in my State, and today's agreement goes a long way toward turning those plans into actual road improvements.

I want to thank Senator CHAFEE, Senator BAUCUS and Senator LAUTENBERG for their hard work in putting this arrangement together.

Now, this, today's announcement, I am so pleased about this part of it, but I think I would be remiss in not mentioning my sadness that we have not been able to do better by mass transit. We have increased, in this agreement, transportation spending by $26 billion, but not one additional dime will be devoted to mass transit improvements. Historically, there has been a split between spending increases for surface transportation and mass transit in an 80/20 ratio. Preserving this ratio is, I think, essential to ensuring the viability of transit systems around the country.

Mass transportation not only moves people from one place to another; it helps the environment. Without public transportation, without public transit, there would be 5 million more cars on the road and 27,000 more lane miles of road, again increasing the pollution of our environment. Transit is also a great economic investment. The net economic return on public expenditures for public transportation is 4 or 5 to 1. When mass transit improvements are made, land values go up, commercial development increases, jobs are created and people can get where the jobs are. They can get to work. Without transit, congestion alone would cost our national economy some $15 billion annually. In the Chicago area, in my State, congestion and bottlenecks already sap economic productivity, it is estimated, by about $2.8 billion every year. Without the additional investments in the area's transit system, that number could increase.

Again, it is regrettable that we have not been able to do more for mass transit. We have great needs. The Regional Transportation Authority of Northeastern Illinois, the Chicago Transit Authority, Metra, and all of the transit authorities in the State, are in dire need of additional support. I hope before this legislation is finalized, we will understand the importance of mass transit to the Intermodal Surface Transportation Efficiency Act, to the efficiency of our surface transportation effort in this country.

But in the meantime, I did want to take this opportunity—I thank Senator CHAFEE for indulging me this time—but also to say thank you to him and the other budget negotiators for the additions and for the improvements, in my opinion, to the underlying formula. I think this goes a long way, again, to achieving the goals of the ISTEA, achieving the goals of intermodal surface transportation efficiency.

We ought to talk about transportation as a people issue, which it really is. It's not just about roads and bridges and cars and trucks; it is about the people of this country being connected one to the other and being able to carry out the commerce and the activity that keep this country strong. I thank these negotiators for their work.

I yield the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Illinois for those very kind comments. I am glad we are able to be of help.

I will say she is a tenacious battler for Illinois, so I was particularly glad we were able to be of some help in the particular situation Illinois faced.

Mr. President, the Senator from Arkansas has some comments. How much time do I have? Is the proponents' time—perhaps you could give us an account of the time.

The PRESIDING OFFICER. The time of the proponents has expired. The Senator from Rhode Island has 53 minutes.

Mr. CHAFEE. I yield such time as the Senator from Arkansas needs.

Mr. HUTCHINSON. I appreciate this indulgence. I ask consent to speak in morning business. I am going to speak on a different subject. If the chairman would like that not to count against his time——

Mr. CHAFEE. That is fine. How long will my colleague be, roughly?

Mr. HUTCHINSON. Up to 15 minutes.

Mr. CHAFEE. Fine.

Mrs. HUTCHISON. I ask consent to speak 15 minutes as in morning business.

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

Mr. CHAFEE. Mr. President, may I just say one other thing? I would like to say to all Senators who are listening that now is your chance to come over and speak against the amendment if you so choose. Time is running out here and, frankly, at the conclusion of the comments of the Senator from Arkansas and then a couple of minutes that the Senator from Ohio wants, unless there are people present wanting to speak, it is my intention to yield back the remainder of our time and have the Senate go out.

So, anybody who wants to speak about this amendment—they will have a half-hour tomorrow, that is true. But now is the time to come over. We have some 50 minutes. The Senator will be taking 15, so there will be 35 or 40 minutes left. Now is the time to speak against the measure if anybody wishes to.

If the Senator will proceed?

Mr. HUTCHINSON. Mr. President, I take a moment to commend the Senator from Rhode Island and compliment him for the outstanding leadership he provided the Environment and Public Works Committee on the ISTEA II bill.

It has been suggested he should be nominated, if you have not been, for a Nobel Peace Prize for bringing all the various factions together in what is, I think, a very worthwhile bill that will be to the benefit of all Americans. I commend the Senator.

PRESIDENT CLINTON'S STATEMENT CONCERNING THE TAX CODE TERMINATION ACT

Mr. HUTCHINSON. Mr. President, yesterday, while millions of American households across the country were struggling to understand which of the 480 separate IRS tax forms applied to them, while they were trudging along, trying to read through the accompanying 280 supplemental explanatory IRS pamphlets, while their tax accountants and tax attorneys worked hard to keep them abreast of the more than 800,000 words which make up this country's Tax Code, and while families nervously anticipated the impending IRS deadline of April 15, which is now less than 6 weeks away, President Clinton had the audacity to call my efforts to sunset this country's incomprehensible maze that we call a Tax Code in the year 2001—irresponsible.

Following his speech, President Clinton's chief economic adviser Gene Sperling equated my bill, the Tax Code Termination Act, with "reckless river boat gambling." Worse yet, President Clinton's Deputy Treasury Secretary stated, "We have a Tax Code today that works better for Americans as they do what is crucial to them in their lives." He said that the Tax Code works for Americans.

No; Americans may feel they work for the Tax Code. They surely do not believe that the Tax Code works for them. In short, the President and his advisers were telling the American people in the midst of their "tax season migraines," that this Tax Code works just fine. Are the American people to believe that President Clinton and his economic advisers do not see anything wrong with Americans spending a combined total of 5.4 billion hours—the equivalent of 2 full work weeks—complying with tax provisions? Are Americans to believe that their President does not see anything wrong with the Tax Code that costs this country more than $157 billion per year? Is it possible that the President and his key advisers see nothing wrong with spending $13.7 billion per year enforcing the Tax Code, yet the IRS fails to provide correct answers to taxpayers seeking assistance almost one-quarter of the time?

I think the American people will be able to decide who is being irresponsible and will be able to easily separate the "river boat gamblers" from the sincere legislators working to better their everyday lives.

President Clinton's criticism of the Tax Code Termination Act centers around the notion that one should not set a date to sunset a law until a new law is written and ready to replace it. Doing so, in President Clinton's eyes, would be irresponsible. Well, is it irresponsible to sunset this country's transportation programs, which spend over $23 billion per year, before a new transportation program is written and ready to be put into law? Is it irresponsible to sunset this country's higher education programs before a new law is drafted? Of course not. In fact, right now this Congress is in the midst of debating a new transportation spending program and a new higher education program for one simple reason. When these major spending bills were passed and signed into law, they contained sunset provisions which terminated these programs 5 years after they were implemented. In fact, every major spending program currently on the books contains similar sunset language.

The truth of the matter is that President Clinton doesn't mind sunsetting provisions when the law allows the Government to spend billions of dollars in taxpayers' money. The President does not mind sunsetting Head Start, doesn't mind sunsetting Pell grants or school lunches. Sunsetting only becomes irresponsible to this President when the law being sunset deals with provisions which take money from the pockets of hard-working Americans.

The Tax Code Termination Act is anything but "irresponsible." This act simply sets a date certain, well into the future, when the Tax Code will need to be reauthorized, which will simply place taxes and spending on equal footing. This bill will force Congress to completely rethink how we collect hard-earned taxpayer money and, as with major spending programs, it will allow a healthy debate to ensue on the merits, effectiveness and efficiency of the law as it is currently written.

Why is the President afraid to treat taxes and spending equally? Why should sunset provisions only apply to one but not the other? Maybe it is because the President knows that this tax system cannot withstand close scrutiny—that it can't even stand cursory scrutiny. Maybe the President is afraid that Americans will feel empowered to force this Congress to rethink the amount and methods used to take their hard-earned money. Maybe the President is afraid that he will lose the power to hide tax provisions that benefit favored special-interest groups deep within this large and complex Tax Code? Finally, the President stated yesterday that the Tax Code Termination Act would create uncertainty—skillfully noting that "uncertainty is the enemy of economic growth." Mr. President, is there any certainty in this system? Can one be sure that despite trying diligently to comply with this complex and incomprehensible tax system, one still won't be dragged into court and fined for failure to accurately comply with every jot and every tittle of the Tax Code? Can one be certain that they haven't overpaid or underpaid, that they haven't missed a deduction that is owed them or claimed a deduction for which they don't qualify?

No; the only thing certain about this system is that it guarantees one's rights can be trampled by an overempowered IRS and that one's economic freedom can be jeopardized by overzealous tax collectors.

While the President claims that his opposition to the Tax Code Termination Act is to protect business by ensuring them a long-term landscape on which to make major business investment decisions, most business-led tax organizations actually support our efforts to terminate this Tax Code. The National Federation of Independent Business, Citizens for a Sound Economy, and others know firsthand how many billions of dollars per year they

waste trying to understand this Tax Code, much less comply with the Tax Code. They see their profits eaten up by tax lawyers and tax accountants. They know full well that the real uncertainty is in the current code, not in any distant sunset of the current code, and they know that the Tax Code Termination Act will create a clean slate on which a fairer, simpler Tax Code can be built.

I am certain that when and if President Clinton attempts to take this debate outside the beltway, he will quickly learn who is being irresponsible; he will quickly see where the American people stand on this important issue.

Finally, the Tax Code Termination Act, sponsored by myself and Senator BROWNBACK of Kansas, is currently supported by the entire Senate Republican leadership and is being cosponsored by 26 fellow Senators. I urge the President to rethink his position, and I urge my fellow Members to get behind this effort and take the first step in simplifying our Tax Code by setting a date certain that this code will expire.

It is one thing, Mr. President, to be cautious. It is one thing to be prudent. It is quite another to be controlled by timidity and frozen into inaction. As my colleagues have said, the Tax Code has had its place in history, now we need to make it a part of history. I ask my colleagues to join me in that effort.

Thank you, Mr. President. I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. The Senator from North Dakota wants to speak in favor of the amendment.

Mr. DORGAN. That is correct.

Mr. CHAFEE. How much time does the Senator want?

Mr. DORGAN. If the Senator will yield 10 minutes, I will try not to use all 10.

Mr. CHAFEE. That is fine, 10 minutes, from the time of the opponents.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Presiding Officer.

Mr. President, I rise today to support the Lautenberg amendment. I intend to vote for it, and I am pleased to support a piece of legislation I think will be important in saving lives in our country.

Before I do, I want to talk about three quick items. One is the amendment that has just been adopted, the McCain amendment. I would then like to talk about the Lautenberg amendment and then, finally, an amendment I am going to offer following the disposition of the Lautenberg amendment.

The McCain amendment which has been adopted now contains a provision I want to call attention to dealing with high-speed police pursuit. It is an issue I have been involved with for some long while. I care a great deal about it, and I have introduced legislation for a number of years, part of which has now been included in the McCain amendment dealing with safety.

There are in this country many instances in which high-speed police pursuits are not only necessary but virtually mandatory, and I understand that. There are other circumstances in this country, where high-speed police pursuits are inappropriate and result in the death of innocent people. Nearly 400 people a year are killed and many others are injured in high-speed police pursuits.

One ought to be able to expect all across this country, no matter where one is driving, that law enforcement jurisdictions are given good training and have good policies dealing with high-speed police pursuits. That is my intention with the legislation.

I also feel that I would like to do more. I would like to make sure that in the future, with respect to high-speed police pursuits, that we have a provision that anyone who believes they should be able to flee from law enforcement when law enforcement attempts to apprehend them will lose their vehicle and will have certain jail time. We ought to send the message to all people in this country that you are the villain in high-speed police pursuits. If you don't stop when a law enforcement officer attempts to stop you, there are going to be consequences, and significant consequences. We can save lives by that. And the McCain amendment just adopted includes my provision dealing with high-speed police pursuits and incentives for more training and uniform policies. I think that is a step forward.

Second, the Lautenberg amendment, which I am pleased to support, and I hope will have the support of a majority of Members in the U.S. Senate. I understand that some can quibble here or there about .08 or .10 or .12—this, that, or the other thing. I do not think anyone will quibble with the statement made earlier today by one of my colleagues in which he asked the question: Would you like to put your son or daughter in a car with someone who had four drinks in the last hour and has a .08 blood alcohol content?

Under current law, that person is not drunk. But is that the car you would like your son or daughter in? I think not. Mr. President, .08, I am told, relates to the blood alcohol content of a man roughly 170 pounds who has had four drinks in an hour.

In this country, we license people to drive. No one in this country should be empowered to drive and drink at the same time. It can turn an automobile into an instrument of murder and does every 30 minutes, causing someone else to die on America's roads and streets because someone decided to drink alcohol and drive.

We have had incentive programs previously dealing with drunk driving. Some have worked, some have worked a bit, some have worked well, and some have not worked at all. The Senator's amendment is very simple. The proposition of this amendment is to say that our road programs in this country are national programs. We know they are national because we come here and talk about roads being a national priority. Even the smallest, the most remote, and the least populated areas of our country have roads because those roads allow people to get from one place to another.

Yes, my State is a smaller State, and less populated, but as they move frozen shrimp and fresh fish from coast to coast, guess what? They truck that through North Dakota, and we need roads in all parts of our country to have a first-class economy. A country with a first-class economy needs good infrastructure, and that means good roads.

Because roads represent a national priority and are a national program, it seems to me perfectly logical to understand that anyone driving in this country ought to have some assurance that they are not going to run into someone coming down the other lane who is driving in a jurisdiction or a State where they are told it's OK to have .10 or .12. No one in this country should expect to meet someone at the next intersection, in the next State, or the next county where the driver is drinking. So I am going to support this amendment that calls for a national standard of .08.

Let me tell you about the other amendment I am going to offer following this amendment, which I hope my colleagues will support as well.

Mr. President, did you know there are five States in this country where you can put a fist around a bottle of whiskey and the other around the steering wheel, and you are perfectly legal? There is not one jurisdiction in America where that ought to be legal—not one city, one county, one township where it ought to be legal for anyone to get behind the wheel of a car and drink. Five States now allow that.

Over 20 States allow, if not the driver to drink, the rest of the people in the car to have a party. They can get plenty of whiskey and plenty of beer, and they can go down the road and have a great old party. Over 20 States say that is fine, as long as the driver doesn't drink, and in five of them the driver can drink as well. There is not one jurisdiction that ought to allow that.

My amendment has the same sanction as the amendment proposed by the Senator from New Jersey. It simply says that every State in this country, because we have a national roads program, that as drivers, we can expect

some uniformity in treatment across this country when we are driving up to the next intersection. We should expect that no one we will meet in this country is going to be legally empowered to drive the vehicle and drink in the same set of actions.

I will offer that on the floor. I offered it previously several years ago, about 3 years ago, and I missed having that amendment adopted by three votes—only three. I don't know how many people have died because we didn't do that, but some. I don't know their names. But some families have gotten the call, families like the wonderful family of the Senator from Ohio and others in this Chamber, the BUMPERS family—Senator BUMPERS, who several years ago gave one of the most eloquent speeches on the floor of the Senate about the tragedy in his family.

Families have gotten that call because we didn't do what we should do. We should, as a country, decide that there are certain and significant sanctions for those who drink and drive and that we can expect on a national basis that everywhere you go in America, everywhere you drive a car, you will not only have a .08 standard, but you will have some assurance that you are not going to meet at the next intersection or on the next county, State, or even township road someone who is drinking and driving.

Someone said earlier today that you have a right to drive in this country, but you ought not to have a right to drive and drink. I attended a ceremony today that the Senator from New Jersey and the Senator from Ohio attended and heard the statement by a young woman who had just lost her 9-year-old daughter in the not-too-distant past. She spoke again of the tragedy that her family experienced because someone else decided they were going to drink and drive.

To close this discussion, I want to say this. It is one thing for us to come to the floor of the Senate and talk about devoting resources, energy, and effort to try to do something about something we are not certain how to cure. This is not some mysterious illness for which we do not know the cure. We understand what causes these deaths, and we understand how to stop them.

Mothers Against Drunk Driving, God bless that organization and the people who every day in every way fight to make things better on this subject. And we have made some progress. We have made some improvement. But we can do much, much better. We are not near the standard that many of our European allies and our European neighbors have adopted on these issues, saying to people: "Understand this about drinking and driving. If you are going to be out and you have a vehicle, you better not be drinking, because the sanctions are tough. If you get picked up for drunk driving, you are in trouble."

That is what this country ought to say as well. Have a designated driver, take a taxi, do any range of things, but understand as a country that we take this seriously and we intend to do some things on the floor of this Senate in this piece of legislation to say to the American people: We care about this issue, and we can save lives in a thoughtful manner without abridging anyone else's right.

I do not know who said it today—perhaps it was the Senator from Ohio—that you have a right to get drunk, I guess, in this country, but you do not have a right to get drunk and drive. That ought to be a message from the .08 amendment, and I hope from my amendment that follows, that this country says that to everyone living here and everyone intending to drive in the future. Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have said several times tonight that the opportunity for those who wish to speak against this amendment is now. No one showed up to speak against the amendment. Therefore, I have been yielding time to the proponents of the amendment. We have the Senator from Washington who wishes to speak in support of the amendment for about 10 minutes, and then after the conclusion of that, I will yield an additional 3 or 4 minutes to the Senator from Ohio. Then it is my intention to close up shop here and put the Senate out.

So, I do not know how much time we have left.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 31 minutes 30 seconds.

Mr. CHAFEE. So, anybody who wants to speak against the amendment, now is the time, or they will be relegated to tomorrow where there will be half an hour to speak against it. So I yield the Senator from Washington such time as he needs, maybe 10 minutes.

Mr. GORTON. Yes.

Mr. CHAFEE. Ten minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, last week, when I was first informed of the proposal by the Senator from New Jersey, I was torn. I agreed totally with his philosophy, but I also have a great deal of respect for the States and for their legislatures that, of course, have full jurisdiction over this problem. Many States have acted, and other States are in the process of acting.

Over the weekend, however, I ceased to be pulled in two separate directions on this subject by a remarkable article directly on point in the Sunday Seattle Times.

I would like to share with my colleagues some of that article. Then at the end, I will place the entire news story in the RECORD. The news story was on a great success story in American society, the reduction in automobile deaths. While it deals with the State of Washington, I am certain that it is of relatively universal application, to a greater or lesser extent, all across the United States.

An early paragraph in the article reads:

> The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.
>
> Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Incidentally, Mr. President, 1953 was the year in which I moved to the State of Washington straight out of school. So our roads are now four times safer than they were in 1953.

The article goes on to speak about causes for this remarkable social success, and says:

> Dr. Fred Rivara, director of Harborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.
>
> Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. * * *

They go on to say—and it is relevant directly to the amendment of the Senator from New Jersey—

> With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seatbelts.
>
> "Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."
>
> One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. * * *

Precisely what the Senator from New Jersey proposes.

> The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seatbelt use, Moffat says, because at this stage "belts and booze are the secrets of success."
>
> Figures from the National Highway Transportation Safety Administration clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996. * * * In California, the figure was 40 percent and in Oregon, 42 percent.
>
> But in Washington, alcohol was involved in fully half of all traffic fatalities. Furthermore, NHTSA figures show that the influence of alcohol in traffic deaths hasn't

dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

Now, Mr. President, that, in one State, is what we are discussing here in this amendment. In the State of Washington, with roughly 2 percent of the population of the United States of America, approximately 70 fewer traffic deaths per year.

Now, that figure may be smaller in some States that already have the .08 standard. I suspect it may be larger in those whose drunken-driving laws are less significantly enforced.

But, Mr. President, this brings it down to the basic level of individual deaths in individual parts of our country. I found that article to be overwhelmingly persuasive. I trust that the legislature of my State will in fact pass a law which is now halfway through the legislative process. But to encourage strongly, to encourage every State to do exactly the same thing is the key to fewer traffic deaths.

We are not dealing with unknowns here. We are not dealing with predictions. We are dealing with now a history, a history of more than 40 years of keeping track of traffic deaths in my State, a four-times reduction in traffic deaths. And now we have an opportunity to reduce them by another 10 percent, perhaps more than 10 percent through this action.

It is, Mr. President, action that we ought to take and ought to take promptly.

Mr. President, I ask unanimous consent to have the entire news article printed in the RECORD.

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

[From the Seattle Times, March 1, 1998]

STATE'S ROADS ARE THE SAFEST EVER

(By Tom Brown)

Forget road rage, rampaging sport-utility vehicles and tailgating semis.

Despite those and two more-serious road hazards—drunken drivers and failure to buckle up—driving in Washington is safer than it has ever been.

The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.

"When we're frustrated by some civic problems, this is one where we're actually making progress," says John Moffat, director of the Washington Traffic Safety Commission.

This progress gets overlooked amid reports of pistol-waving road-ragers and horrific accidents such as one last month in Bothell in which three people died when a van was crushed between two trucks and exploded in flames.

Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Despite a big increase in population and a jump in the number of miles driven in the state, the actual number of people who die annually in traffic accidents has declined over the past 20 years.

The last time more than 1,000 people died on Washington roads was in 1979. Last year, there were 663 traffic deaths, even though 73 percent more miles were traveled on state roads than in 1979.

One of the most striking aspects of the traffic record is that the major measures of safety—death rate, serious-injury rate and collision rate—have all either declined or held steady despite worsening congestion and the consequent driver frustration that leads to occasional violence.

In the past decade, while the central Puget Sound region was establishing its reputation as one of the most-congested driving areas in the country, both the state's traffic-death rate and serious-injury rate have declined by about 50 percent.

Dr. Fred Rivara, director of Haborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.

Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. The first major decline in the state's traffic-death rate coincided with the replacement of Highway 99 by Interstate 5 as the state's north-south arterial in the 1960s.

More recently, the new Interstate 90 Floating Bridge also has helped cut the death toll, Moffat says. The original bridge across Lake Washington, which sank in 1990, had an awkward bulge in the middle where it opened occasionally for shipping. It also had reversible lanes during rush hours.

These features produced six or seven deaths a year, Moffat says, while traffic deaths on I-90's two new bridges are rare. He estimates the new bridges, alone, have saved about 70 lives in the past decade.

With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seat belts.

The first major legislative shots in the state's war on drunken driving were fired in 1979, when traffic deaths peaked at 1,034. Since then, the death rate has plummeted by nearly two-thirds, from 3.6 to 1.3 per 100 million miles.

"Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."

Celebrated cases also have galvanized people to act. One such case was the death last year of Mary Johnsen of Issaquah, who was struck and killed by a van driven by a repeat drunken driver while walking along a residential street with her husband.

"I don't know that Mary Johnsen's death was inherently any more tragic than any of the 300 other drunk-driving deaths last year, but it touched a lot of people," says Moffat.

One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. Another would allow authorities to impound and forfeit the vehicles of drunken drivers.

The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seat-belt use, Moffat says, because at this state "belts and booze are the secrets to success."

Figures from the National Highway Transportation Safety Administration (NHTSA) clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996 (1997 figures are not yet available). In California, the figure was 40 percent and in Oregon, 42 percent.

But in Washington, alcohol was involved in fully half of all traffic fatalities. Furthermore, NHTSA figures show that the influence of alcohol in traffic deaths hasn't dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

MORE OF US USE SEAT BELTS

Despite more drunks on the road, Washington's highway-death rate is substantially below the national average, which was 1.7 per 100 million miles in 1996. That's because more drivers here use their seat belts—about 85 percent, Moffat says, compared with an average of about 60 percent nationally, a figure that varies widely from state to state.

In Washington, of those who die in auto accidents, only 35 or 40 percent have their seat belts on.

"Some accidents are going to kill anyway," Moffat says. But in a potentially fatal crash—defined as two vehicles colliding head-on at 35 mph or an auto hitting a solid object at 60 mph—seat belts raise the chances of survival to 50 percent.

Moffat concludes that of the 60 percent or so who die unbelted each year, half could save themselves with this simple, two-second maneuver. That would be perhaps another 150 lives saved.

But as Rivara notes, those most at risk for fatal accidents—the intoxicated and young, male drivers—are the least likely to use seat belts.

As for road rage, it's no laughing matter—particularly for those who have been shot at or otherwise threatened. But statistically, it is a minuscule contributor to highway-safety problems, and Moffat suggests that residents keep their focus on more fundamental concerns.

"When I look at 330 drunken-driving deaths, that is a tremendous problem," he says. "Road rage doesn't even raise the needle."

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, does the Senator from Ohio wish a few minutes. I say to the Senator from Ohio, how much time would you like?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. All right, fine.

The PRESIDING OFFICER. The Senator from the great State of Ohio is recognized for 10 minutes.

Mr. DEWINE. I thank my colleague and thank the Chair.

This amendment has received a great deal of attention from the editorial boards across this country. I would like just to read excerpts from several of them because I think their reasoning is quite good.

Let me cite first the Austin American Statesman, October 30:

Let's say it one more time: DWI laws don't have a thing to do with prohibition, partying, or Puritanism. They aren't intended to interfere with anyone's right to drink alcohol socially or antisocially, responsibly or irresponsibly, in vast or moderate quantities. The law just asks drinkers not to operate heavy machinery on the States' roads and highways while under the influence of alcohol.

The Baltimore Sun:

You're driving on the beltway. The motorist in the next lane consumed four beers during the past hour. To paraphrase Clint Eastwood, "Do you feel lucky?" Amazingly, that tipsy driver may be within his legal rights.

And they end up:

Four drinks in one State makes you no less drunk than four drinks in another State. The abundant evidence justifies a national response.

The Omaha World-Herald:

Yes to a national drunk driving law. Congress uses the threat of withheld funds too often, in our opinion, to force its will upon the States. In this case, however, the States would merely be required to set an intoxication standard that reflects research on how alcohol affects driving.

That is the Omaha World-Herald, October 29.

The Wall Street Journal said this:

Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine amendment isn't a drive toward prohibition, but an uphill push toward health consensus.

The Toledo Blade:

Complaints from the beverage industry that the new limits would target social drinkers and not alcoholics are ridiculous and dangerous. All that matters is whether the person behind the wheel has had too much to drink. Whether he or she is a social drinker is irrelevant.

Finally, New York Newsday:

It should be obvious that cracking down on drunk driving is an urgent matter of health and safety. The attack is not against drinking; it's against drinking and driving.

Mr. President, my colleagues have said it very, very well. My colleague from North Dakota a few moments ago said it well. He says it is not complicated. It is not complicated how you reduce auto fatalities. This is an easy way to save lives. And this is a way that will save lives.

At 10:30 tomorrow morning we are going to have a chance to do something very simple. We are going to have the chance to come to this floor and cast a yes vote on this amendment. It is one time when we will know the consequences of our act. And the consequence of that act, if we pass this, if it becomes law, will be simply this: Fewer families will have their families shattered, fewer families will have their lives changed forever. That is what the loss of a child or loss of a mother or father to drunk driving does—it changes your life forever.

We will save some families from that tragedy. We will never know who they are. They will never know. But we can be guaranteed that we will have done that and done that much tomorrow morning. This is a very rational and reasonable proposal. I say that because it sets the standard at .08.

I will repeat something I said a moment ago—and I am going to continue to state it because I think it is so important —and that is: No one, no expert who has looked at this believes that someone who tests .08 has not had their driving ability appreciably impaired. No one who has looked at this thinks that someone who tests .08 should be behind the wheel of a car. If any of my colleagues who might be listening doubt that, tonight or early tomorrow morning—we all know police officers; we all know people who have been in emergency rooms; we all know people who have seen DUIs and who know who they tested—pick up the phone and call one of your police officers.

Pick up the phone and call a member of the highway patrol who may have picked up someone, who has picked up probably dozens of people who have been drinking and driving, and ask them if, in their professional opinion, they think someone who tests .08 or above has any business being behind the wheel of a car. I will guarantee you, the answer will be unanimous.

The fact is, the more someone knows about the subject, the more adamant they will be about that. I became involved in this issue a number of years ago when I was an assistant county prosecuting attorney. One of my jobs was to prosecute DUI—DWI cases we used to call them in those days.

I can tell you from my own experience, someone who tests .08—and I have seen the videotape, as they say. I have seen the replays. I have seen the tapes that are taken right before the person takes the test. And I have compared those videotapes where you can see the person staggering, you can see the person's speech slurred, you can see their coordination impaired. I compared that with the tests. I will tell you from my own experience in observing, a person at .08 absolutely, no doubt about it, should not be behind the wheel.

Look what other countries have done. Senator LAUTENBERG showed the chart. Canada, Great Britain, Australia, Austria, all at .08 or below. This is a rational and reasonable thing to do. It is reasonable, as Ronald Reagan said, to have some minimum national standards that assure highway safety.

We live in a country where we get in a car and we think nothing of crossing one, two, three, four, five State lines, and we do it literally all the time. There ought to be some national standard, some floor, some assurance when you put your child in a car, when you get in the car with your wife and your loved ones, some assurance that whatever State you are in, wherever you are driving, that level is .08. That is a rational floor. It is a rational basis.

Again, despite all the scientific evidence, despite all the arguments, still there are some who would say this bill is an attack against social drinkers; this amendment will mean if I have two beers and a pizza I will not be able to drive. That is simply not true. All the scientific data, all the tests, all the anecdotal information tells us that is simply not true.

Let me again go back and repeat what the scientific data shows. It shows that when a male weighing 160 pounds has four drinks in an hour—it takes four drinks on an empty stomach in an hour for that adult male at 160 pounds to reach the .08 level. I don't think anyone believes that person should be behind the wheel, and I don't think there is anyone in this Chamber who will turn their child over to that person.

Mr. President, again we will have the opportunity tomorrow to save lives. I urge my colleagues to cast a "yes" vote on the Lautenberg-DeWine amendment. It will, in fact, save lives.

I yield the floor.

Mr. CHAFEE. Now, Mr. President, we have made valiant efforts to get the opponents of this measure here. We have given them every chance in the world. They have not shown up. Any opponents who want to speak will have half an hour tomorrow to speak.

I therefore propose that we close shop here.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent 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.

THE GOVERNMENT SECRECY ACT

Mr. LOTT. Mr. President, I am pleased to join with the distinguished Minority Leader, the distinguished Chairman of the Foreign Relations Committee and with the distinguished Senator from New York, Mr. MOYNIHAN. Both Senator MOYNIHAN and Senator HELMS served with distinction on the Commission on Protecting and Reducing Government Secrecy. They are to be congratulated for their efforts. Senator MOYNIHAN and I have

spoken repeatedly about his commitment to declassifying information while protecting legitimate secrets.

S. 712, the Government Secrecy Act of 1997, is a complex piece of legislation. Chairman THOMPSON has already held a hearing in the Governmental Affairs Committee. Other committees have legitimate and appropriate concerns about elements of this legislation, including Foreign Relations, Judiciary, Armed Services and the Select Committee on Intelligence on which I serve as an ex officio member. Their concerns should be addressed as we move through the legislative process.

I also have a number of concerns that I hope are addressed as the committees consider this legislation. I am concerned about allowing judicial review of executive branch classification decisions. I do not think it is wise or necessary to allow judges to second-guess classification decisions. I am concerned about cost—the cost of classification and the cost of declassification. I hope we can arrive at a legislative outcome that reduces the cost of both. I am concerned about creating a new layer of bureaucracy in an already overly bureaucratic process. It is the agencies themselves that should retain the authority to declassify documents. I am most concerned that we give priority to protecting intelligence sources and methods rather than to a vague and subjective "public interest" test. We need to ensure that originating agencies are expressly involved in any declassification process to avoid the mistakes that have recently been made. I also hope there is adequate authority for agencies to meet their legitimate budgetary and source-protection concerns.

I am confident that the deliberative process of committee consideration will address my concerns and the legitimate concerns expressed by the Defense Department, the intelligence community, and others. I know that the Director of Central Intelligence testified last month that he wants to sit down with Senator MOYNIHAN and address those concerns in such a way that we protect sources and methods while opening more old intelligence files to the serious researcher and the general public. I hope that this process of committee consideration can be completed this spring and that we can expeditiously schedule floor time for legislation addressing this important issue.

I want to close with a special tribute to Senator MOYNIHAN's diligence in this effort. He is not just motivated by the fact that too much information is classified and is kept secret too long. He is also motivated by a scholar's desire to know the truth, and by the historian's desire to fully explain past events. I salute his efforts and share his concerns. Openness is important in our democracy. In the words of the Secrecy Commission, chaired by Senator MOYNIHAN, "Secrecy is a form of government regulation . . . some secrecy is vital to save lives, bring miscreants to justice, protect national security, and engage in effective diplomacy . . . National Security will continue to be the first of our national concerns, but we also need to develop methods for the treatment of government information that better serve, not undermine, this objective." In the words of Chairman MOYNIHAN himself: "It is time also to assert certain American fundamentals, foremost of which is the right to know what government is doing, and the corresponding ability to judge its performance." I could not agree more.

I look forward to continuing to work with Senator MOYNIHAN and others in enacting legislation on government secrecy this year.

Mr. DASCHLE. I thank the Majority Leader for raising this important issue and am pleased to join him as a cosponsor of the Government Secrecy Act. I look forward to working with him, the other co-sponsors of the bill, and the relevant committees to move this legislation early in this session. Although some modifications to this legislation may be necessary, I think we can all agree that a democratic government depends on an informed public. This legislation will greatly improve access to government information. By reducing the number of secrets, this legislation will enhance the public's access while at the same time enabling the government to better protect information which is truly sensitive.

As the Majority Leader mentioned, for the past five decades, the secrecy system has been governed by a series of six Executive Orders, none of which has created a stable system that protects only that information deemed vital to the national security of the United States.

Mr. MOYNIHAN. I thank the two leaders for their support and welcome them to an effort that began in the 103rd Congress with the adoption of P.L. 103–236, establishing the Commission on Protecting and Reducing Government Secrecy. This bi-partisan commission, which I had the privilege of chairing, and on which Senator HELMS played an important role, issued its unanimous report last March. The Commission found that the current system neither protects nor releases national security information particularly well.

Mr. HELMS. Mr. President, I thank the distinguished leaders, but I am also deeply grateful to the able senior Senator from New York. For too long the government has classified information which has no business being classified. When I came to the Senate, I was a member of the Armed Services Committee and I remember that I went to many classified briefings, only to be informed, in great detail, of everything that was in the New York Times and Washington Post that morning. The most frustrating thing was that we could not talk about the information from those meetings because it was classified.

Mr. MOYNIHAN. The central fact is that we live today in an information age. Open sources give us the vast majority of what we need to know in order to make intelligent decisions. Analysis, far more than secrecy, is the key to security. Decisions made by people at ease with disagreement and ambiguity and tentativeness. Decisions made by those who understand how to exploit the wealth and diversity of publicly available information, who no longer simply assume that clandestine collection, i.e. "stealing secrets", equates with greater intelligence.

We are not going to put an end to secrecy. It is at times legitimate and necessary. But a culture of secrecy need not remain the norm in American government as regards national security. It is possible to conceive that a competing culture of openness might develop which could assert and demonstrate greater efficiency.

Mr. HELMS. The Commission by law had two goals: to study how to protect the important government secrets while simultaneously reducing the enormous amount of classified documents and materials. We began our deliberations with the premise that government secrecy is a form of regulation, and like all regulations, should be used sparingly. But I feel obliged to reiterate and emphasize the obvious. The protection of true national security information remains vital to the well-being and security of the United States.

Mr. MOYNIHAN. I agree with the Senator. One of the important recommendations of the Commission was a proposal for a statute establishing a general classification regime and creating a national declassification center. The four Congressional members of the Commission, Representatives COMBEST and HAMILTON, Senator HELMS, and I, proposed just such a statute last May, the Government Secrecy Act, S. 712.

Mr. DASCHLE. In deciding that we needed to design a better, more rational classification system, I was moved by the fact that under the current system we are classifying an enormous amount of information each and every year. For example, in 1996 alone, the Federal Government created 386,562 Top Secret, 3,467,856 Secret, and 1,830,044 Confidential items: a total of 5,789,625 classification actions.

Mr. MOYNIHAN. Last year the number of officials with the authority to classify documents originally decreased by 959 to 4,420. Presumably, this should reduce the number of classifications, but the number of classifications increased by nearly two-

thirds, over 5.7 million. There cannot be 5.7 million secrets a year which, if revealed, would cause "damage" to the national security. To paraphrase Justice Potter Stewart's decision regarding the Pentagon Papers, when everything is secret, nothing is secret.

Mr. DASCHLE. In addition to costing the taxpayer billions annually, this excessive government secrecy leads to a host of other problems. Secrecy hampers the exchange of information within the government, leads to public mistrust, and makes leaking classified information the norm.

I think it would be useful at this point to note that this legislation will not require the disclosure of a single document or fact deemed vital to our national security. Instead, this legislation will prevent the government from stamping "Classified" on information that is not sensitive.

The Clinton administration has made significant reforms to open government information. For example, last month, Secretary of Energy Federico Pena announced that he would seek to end the practice that considered all atomic weapons information as "born classified" and instead would only classify "where there is a compelling national security interest". The Department of Energy is to be commended for its efforts in recent years to make available information concerning nuclear tests conducted in this country and their effects on human health and the environment. This is a useful step. However, as the statistics I cited above for 1996 make clear, there is still much more to be done.

Mr. MOYNIHAN. Such efforts are welcome and should be encouraged. However, to ensure that they are carried out across the government and in a sustained manner, our Commission proposed that legislation be adopted.

Mr. DASCHLE. Greater Congressional oversight of classification policy is long overdue. For too long, classification and declassification policy have been both developed and implemented by bureaucrats, often anonymously. Consideration of the Government Secrecy Act, S. 712, will promote an open discussion of the advantages and disadvantages of secrecy, a discussion which is not limited to the views of those who are charged with implementing classification policy.

Mr. MOYNIHAN. If the Report of the Commission on Protecting and Reducing Government Secrecy is to serve any large purpose, it is to introduce the public to the thought that secrecy is a mode of regulation. In truth, it is the ultimate mode, for the citizen does not even know that he or she is being regulated. Normal regulation concerns how citizens must behave, and so regulations are widely promulgated. Secrecy, by contrast, concerns what citizens may know. The citizen is not told what may not be known.

With the arrival of the New Deal agencies in the 1930s, it became clear that public regulation needed to be made more accessible to the public. In 1935, for example, the Federal Register began publication. Thereafter all public regulations were published and accessible. In 1946, the Administrative Procedure Act established procedures by which the citizen can question and even litigate regulation. In 1966, the Freedom of Information Act, technically an amendment to the original 1946 Act, provided citizens yet more access to government files.

The Administrative Procedure Act brought some order and accountability to the flood of government regulations that at time bids fare to overwhelm us. Even so, "over-regulation" is a continuing theme in American life, as in most modern administrative states. Secrecy would be such an issue, save that secrecy is secret. Make no mistake, however. It is a parallel regulatory regime with a far greater potential for damage if it malfunctions.

Mr. DASCHLE. One of the most striking aspects of the Commission report is the lack of Congressional involvement in the secrecy system. Apart from the Espionage Act of 1917 and the Atomic Energy Act, which only applies to atomic secrets, there are few statutes dealing with these issues. If secrecy is a form of regulation, then this legislation will serve a similar purpose to the Administrative Procedure Act for the secrecy system.

And there has been little Congressional oversight. I believe the Commission on Protecting and Reducing Government Secrecy, which Senator MOYNIHAN chaired, is only the second statutory examination of the secrecy system.

Mr. MOYNIHAN. That is correct—there has been only one other statutory inquiry into this subject. This was the Commission on Government Security, established in 1955 by the 84th Congress, known as the Wright Commission for its Chairman, Lloyd Wright, past President of the American Bar Association. This was a distinguished bipartisan body, which included in its membership Senators John C. Stennis of Mississippi and Norris Cotton of New Hampshire, along with Representatives William M. McCulloch of Ohio and Francis E. Walter of Pennsylvania.

The Commission report, issued 40 years ago, is a document of careful balance and great detail. The Commission was concerned with classification as a cost. Free inquiry, like free markets, is the most efficient way to get good results. The Commission set forth a great many proposals ranging from Atomic Energy to Passport Security, but its legislative proposals were concise: the proposal to outlaw by statute "disclosures of classified information. . . by persons outside as well as within the Government" was quickly perceived as prior restraint: press censorship. The response was swift and predictable. The recommendation was criticized strongly in articles and editorials in a variety of newspapers, notably by James Reston. And the Commission's recommendations were dropped.

Mr. DASCHLE. The Government Secrecy Commission has learned from history and issued much more prudent proposals. Some individuals have raised constitutional concerns regarding this legislation, but the Government Secrecy Act (S. 712) respects the President's constitutional prerogatives by maintaining the authority of the President to establish categories of classified information and procedures for classifying information. The precedent for Congressional action has already been established by the Atomic Energy Act, the Espionage Act, and the National Security Act.

Mr. MOYNIHAN. The Government Secrecy Act will provide a framework for our secrecy system which can limit the number of documents initially classified and significantly reduce the backlog of already classified documents. It sets standards for declassification whereby information may not remain classified for longer than 10 years unless the head of the agency which created the information certifies to the President that the information requires continued protection. Information not declassified within 10 years may not remain classified for more than 30 years without another certification. It requires that a balancing test be established in making classification and declassification decisions so that officials must weigh the benefit from public disclosure of information against the need for initial or continued protection of the information under the classification system.

The bill also establishes a national declassification center to coordinate and oversee the declassification policies and practices of the Federal Government to ensure that declassification is efficient, cost-effective, and consistent.

I thank the Majority Leader for raising his concerns. It is my sincere intention to work with the Majority Leader and other interested Senators to perfect this legislation, so that we might pass it in the coming months.

Mr. SHELBY. Mr. President, I rise because I have some grave concerns with the current form of the Government Secrecy Act of 1997 (S. 712) and I am pleased that the distinguished Majority Leader and my distinguished colleagues are open to a discussion of this legislation with the goal of establishing the basic principles on which Federal classification and declassification programs are to be based. More stability, reliability, and consistency are needed in the government's approach to both the protection—and I

emphasize protection—as well as the release of classified information to the public. The recent compromise of sensitive information through rushed declassification highlights the need for more oversight and accountability of the declassification process. I have serious concerns that S. 712 does not adequately protect sensitive intelligence sources and methods and will unnecessarily cost the taxpayers many hundreds of millions of dollars.

I support the Commission on Government Secrecy's finding that the public has a right of access to the large majority of government-held information and that, in general, too much information is classified and kept secret too long. However, secrecy is essential to intelligence, and U.S. security has depended and still depends on secrecy to succeed. We must proceed with caution in our commitment to make more classified information available to the public. In this regard, I am concerned that some provisions of S. 712 erode the Director of Central Intelligence's statutory authority and ability to protect intelligence sources and methods.

Further, the bill will cost untold millions to declassify and release the tremendous amount of currently classified material in a way that still protects the most sensitive sources and methods. For example, DOD reports to have over 1.2 billion pages of 25 year and older material of historical value that requires review for declassification. The current estimated average cost of review is $1 a page. This means that the cost of declassification of this group of documents alone will be over $1.2 billion—that's billion with a "B", Mr. President.

I am also concerned that the so-called Declassification Center created in S. 712 will not correct the problems facing the current declassification system. It will end up being another costly and unnecessary government bureaucracy. Instead, to promote greater accountability, I propose that we create a more effective and enhanced Executive branch oversight function for classification and declassification programs. In addition, I believe sanctions for unauthorized disclosures should be added to the bill. We need to consider new and unique categories of secrecy for our most sensitive intelligence operations—perhaps to include very serious penalties for public discussion of these activities.

Finally, I am troubled that the bill leaves open the possibility of judicial review of Executive branch classification decisions. This will undoubtedly lead to costly legal challenges that could result in judicial second-guessing of the Commander-in-Chief on national security matters.

I look forward to addressing these and other concerns in our Committee. Our collective goal should be to craft legislation that establishes a sensible framework for a classification and declassification system that continues to protect sources and methods while improving oversight and accountability at an affordable cost.

Thank you, Mr. President.

Mr. KERREY. Mr. President, for Americans government secrecy is a paradox. In a democracy, it's an unusual action for us to decide to keep something secret from the public, because it's their government. What we do is for the people. It's carried out in their name. So it's unusual to do the public's business in secret.

There is only one legitimate reason for our government to keep something secret from its citizens: To keep America safe. As Vice Chairman of the Senate Select Committee on Intelligence, I have been exposed to many things that, if made public, would threaten the security of our citizens and our nation. But I have also seen valuable information unnecessarily kept from the public view. Which is why I support this effort to change the way our government classifies and declassifies its information.

Secrecy is the exception, not the rule, in these matters for a number of reasons. The first and foremost is that this is government of, by and for the people. The second stems from that old adage "sunshine is the best disinfectant". We do a better job in the open, where our ideas and actions are subject to the test of scrutiny, criticism and feedback, than we do in secret. And third, because information we gather belongs to the people, we should make sure information they can use—in their own lives, in their own businesses, and, most important, in making decisions as citizens in a democracy—is provided to them when we can make it available without compromising our safety.

We make the unusual decision to keep things secret for a reason: Because those secrets help to keep Americans safe. Our government classifies information to help protect our citizens and preserve the security of our nation. When the Director of Central Intelligence goes to the President or to Congress to tell us of the threats our nation faces, he can do so because there are men and women around the globe risking their lives to provide our nation's leaders with the information they need to protect our country. Whether the intelligence deals with foreign leaders, terrorists, narcotics traffickers, or military troop movements, our government needs to keep certain information secret or our nation's security will suffer.

Yet much of the information on foreign countries collected by our Intelligence Community can and should be shared with the American people. With the growth of open source information and widespread availability of information technology, the American public is also increasingly a consumer of intelligence. We live in a very complex world, with intertwining relationships between nations shaped by history and culture. It is difficult for policymakers—those of us who study foreign policy, who have access to classified information and analysis, and who receive detailed government briefings—to get the information we need for an informed view on foreign policy issues. Our citizens have an even more limited amount of information available to help them understand what occurs outside our nation's border. Which is why I believe the more information the American public has with which to understand foreign policy the better.

Mr. President, we need to continue to protect "sources and methods", a term of art which refers to the people working to collect intelligence and the means by which they do so. Yet, when we acquire information whose release will not threaten sources and methods, or have information so dated that the people and means used to collect it are no longer in jeopardy, the government should release this information to the public.

We must act this year to reverse a fifty year trend and reduce government secrecy, including intelligence secrecy. The classification system has been regulated by executive order for five decades, with new executive orders contradicting previous ones and producing new costs for all agencies involved. What is or is not a secret should not be subject to a change in political leadership. Congress should place in statute the concept of what is or is not classified information, and provide general standards for classifying and declassifying information.

Mr. President, Congress bears some of the responsibility for the status of our nation's classification policy. The Commission on Protecting and Reducing Government Secrecy was not able to find a single example of a congressional hearing on the issue of executive branch secrecy policy. At the very least, Congress needs to improve its oversight of this issue. As part of this effort, the Senate Select Committee on Intelligence is scheduled to hold a hearing on this issue later this year.

Senators MOYNIHAN and HELMS have shown great leadership in addressing the issue of governmental secrecy. Their work on the Secrecy Commission has helped provide the Senate with the necessary context and analysis of government secrecy we need to address this issue. Their legislation S. 712, the Government Secrecy Act of 1997, goes a long way towards outlining a balanced government policy which protects the most sensitive information while allowing the public access to as much information as possible.

In my discussions with Director of Central Intelligence George Tenet, I have learned that the Intelligence Community does have concerns with

the current version of S. 712. The CIA's concerns include their desire that the originator of classified information be in charge of its declassification, and that the classification and declassification process not be subject to judicial review. I look forward to working with Senators HELMS and MOYNIHAN, with Director Tenet, and the Administration to develop legislative language which meets the twin goals of keeping America safe and ensuring our government responds to the needs of its citizens for information.

Because the Department of Defense and the Central Intelligence Agency are responsible for the vast majority of information that requires classification, I believe the committees responsible for oversight of these entities—the Senate Armed Services Committee and the Senate Select Committee on Intelligence—should have the opportunity to review S. 712. I hope that such a sequential referral can be arranged.

Mr. President, we seek legislation that is in balance. We seek secrecy legislation which protects the safety of our citizens and the security of our nation, but also ensures that our government's policies, actions, and information will be as open as possible to its citizens. We must help keep America safe, while also assuring that our actions truly reflect those of a government of, by and for the people. I look forward to the challenge. I yield the floor.

Mr. THOMPSON. Mr. President, I appreciate the attention being given to the Government Secrecy Act, S. 712, by Senator LOTT and Senator DASCHLE. I also wish to commend Senators MOYNIHAN and HELMS for the hard work they have put into this issue as Senate members of the Commission on Protection and Reducing Government Secrecy.

To review the entire secrecy system, Congress established the Secrecy Commission in 1994. Last year, the Commission issued its final report. The Governmental Affairs Committee held a hearing on the Commission's recommendations when they were first issued. Among the recommendations of the Commission was establishing a statutory basis for our secrecy system. Apart from nuclear secrets, there has never been a coordinated statutory basis for establishing and maintaining government secrets. Consequently, there is little coordination among agencies on how information is determined to be secret, little accountability among classifying officials, and little Congressional oversight of the government's secrecy activities.

The Commission also described how the secrecy system functions as a form of government regulation, imposing significant costs on the government and the private sector. It is time to begin reviewing these costs and identify which secrets really need to be kept and which do not. Like other areas of government regulation, we need to inject a cost/benefit analysis into the process to be sure that those secrets we do keep are worth the cost.

The Government Secrecy Act is an issue of good government reform that needs consideration by Congress. I intend to work with Senator GLENN, the Ranking Member of the Governmental Affairs Committee, to report an amended S. 712 very soon. The United States needs a secrecy system that does a better job of identifying those secrets which truly must be kept, and which then can truly keep them secret.

Mr. GLENN. Mr. President, I concur that this is an important issue that our Committee takes very seriously. We held a hearing on the Commission's report last year, and I know that the Chairman has wanted to return to this matter this year.

The question of establishing a statutory framework for classification and declassification has long been a matter of debate. Our own committee held extensive hearings on this subject in 1973 and 1974.

The current system is governed by Presidential executive order, and, as the Majority Leader noted, this has led over time to inconsistencies in policies and procedures. Some have questioned, however, whether legislation is needed. I believe that it is proper for Congress to legislate on this subject, while of course still respecting the authority of the President in this area. This principle of shared authority was recognized in the passage of the Atomic Energy Act, the Espionage Act, and the National Security Act. If Congress acts now to establish a statutory classification and declassification system, we should take a similarly balanced approach.

Balance is also needed in our approach to considering the legislation in the Senate. While S. 712 has been properly referred to our committee, the Committee on Governmental Affairs, the bill raises important issues of interest to the Select Committee on Intelligence, the Armed Services Committee, and the Committee on Foreign Relations. I am fully committed to working with each of these committees as the bill moves forward.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383, a Supplementary Notice of Proposed Rulemaking was submitted by the Office of Compliance, U.S. Congress. The Supplementary Notice extends the comment period of a prior notice.

Section 304(b) requires this Notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress and their employees, 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997), and on January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking requesting further comment on issues raised in comments submitted by the Library of Congress, 144 CONG. REC. S86 (daily ed. Jan. 28, 1998).

At the request of a commenter, the comment period stated in the Supplementary Notice of Proposed Rulemaking has been extended for two weeks, until March 13, 1998.

Dates: Comments are due no later than March 13, 1998.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

Signed at Washington, D.C., on this 27th day of February, 1998.

RICKY SILBERMAN,
Executive Director, Office of Compliance.

WELCOMING DR. KAMIL IDRIS, DIRECTOR GENERAL OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

Mr. HATCH. Mr. President, I rise today to welcome to the United States Dr. Kamil Idris, the Director General of the World Intellectual Property Organization (WIPO). As many of my colleagues know, Dr. Idris was elected Director General in November 1997, succeeding Dr. Arpad Bogsch, who served in that capacity for 25 years. As Director General, Dr. Idris is responsible for overseeing WIPO's strong efforts in promoting intellectual property protection across the globe.

Dr. Idris has had a long and distinguished diplomatic career on behalf of

his native Sudan. He is particularly well-known in international intellectual property circles through his 16 years of effective service to WIPO, most recently as Deputy Director General. I was pleased to visit with Dr. Idris informally shortly after his election as Director General and once again wish him success in his new position.

I would note that Dr. Idris is taking the helm of WIPO at a critical juncture in the evolution of international intellectual property protection. Nations throughout the world will look to his leadership in promoting a global fabric of intellectual property protection in the ever-explosive digital age. The WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, both signed in Geneva in December 1996, are important components of that fabric. The United States has an opportunity to set standards for the world to follow by ratifying and implementing these treaties in a timely fashion. I have joined with my colleagues Senator LEAHY, Senator THOMPSON, and Senator KOHL to introduce legislation to do just that. I look forward to Dr. Idris' support of similar efforts to implement these treaties in an effective manner in the remainder of the WIPO member countries.

Dr. Idris' visit today marks his first official visit to the United States. He will be accompanied by the Commissioner of Patents and Trademarks, Bruce Lehman, who will join Dr. Idris in meetings with the Secretary of Commerce and other agency officials who play important roles in safeguarding and promoting American ingenuity. Dr. Idris will also have the opportunity to meet with many of the leaders of our creative sectors, among them the pharmaceutical, motion picture, software, information technology, broadcasting, publishing, and recording industries. Each of these industries depend on the work of WIPO to assist them in securing effective protection for their intellectual property in the international marketplace.

I am pleased that Dr. Idris has made this important visit. I am sure I am joined by my colleagues in welcoming him today and in wishing him the best in his activities here. I look forward to continuing to work with him in a close and cooperative relationship.

THE VERY BAD DEBT BOXSCORE

MR. HELMS. Mr. President, at the close of business yesterday, Monday, March 2, 1998, the Federal debt stood at $5,514,791,303,162.77 (Five trillion, five hundred fourteen billion, seven hundred ninety-one million, three hundred three thousand, one hundred sixty-two dollars and seventy-seven cents).

Five years ago, March 2, 1993, the Federal debt stood at $4,205,665,000,000 (Four trillion, two hundred five billion, six hundred sixty-five million).

Ten years ago, March 2, 1988, the Federal debt stood at $2,489,404,000,000 (Two trillion, four hundred eighty-nine billion, four hundred four million).

Fifteen years ago, March 2, 1983, the Federal debt stood at $1,220,347,000,000 (One trillion, two hundred twenty billion, three hundred forty-seven million).

Twenty-five years ago, March 2, 1973, the Federal debt stood at $455,045,000,000 (Four hundred fifty-five billion, forty-five million) which reflects a debt increase of more than $5 trillion —$5,059,746,303,162.77 (Five trillion, fifty-nine billion, seven hundred forty-six million, three hundred three thousand, one hundred sixty-two dollars and seventy-seven cents) during the past 25 years.

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 OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 102

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 Governmental Affairs.

To the Congress of the United States:

As required by section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Seventh Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1996 to January 31, 1998).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 32d Annual Report of the Department of Housing and Urban Development, which covers calendar year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT ENTITLED "1998 NATIONAL DRUG CONTROL STRATEGY"—MESSAGE FROM THE PRESIDENT—PM 104

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 the Judiciary.

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1998 National Drug Control Strategy* to the Congress. The 1998 *Strategy* reaffirms our bipartisan, enduring commitment to reduce drug use and its destructive consequences.

This year's *Strategy* builds upon the 1997 *Strategy* and is designed to reduce drug use and availability in America in half over the next 10 years—a historic new low. This plan has been developed under the leadership of General Barry McCaffrey, Director of National Drug Control Policy, in close consultation with the Congress, the more than 50 Federal agencies and departments involved in the fight against drugs, the dedicated men and women of law enforcement, and with stakeholders—mayors, doctors, clergy, civic leaders, parents, and young people—drawn from all segments of our society.

I am also proud to report that we have made real and substantial progress in carrying out the goals of the 1997 *Strategy*. Working with the Congress, we have begun the National Anti-Drug Youth Media Campaign. Now when our children turn on the television, surf the "net," or listen to the radio, they can learn the plain truth about drugs: they are wrong, they put your future at risk, and they can kill you. I thank you for your vital support in bringing this important message to America's young people.

Together, we enacted into law the Drug-Free Communities Act of 1997, which will help build and strengthen 14,000 community antidrug coalitions and brought together civic groups—ranging from the Elks to the Girl Scouts and representing over 55 million Americans—to form a Civic Alliance, targeting youth drug use. By mobilizing people and empowering communities, we are defeating drugs through a child-by-child, street-by-street, and neighborhood-by-neighborhood approach.

We have also helped make our streets and communities safer by strengthening law enforcement. Through my

Administration's Community Oriented Police (COPs) program, we are helping put 100,000 more police officers in towns and cities across the Nation. We are taking deadly assault weapons out of the hands of drug dealers and gangs, making our streets safer for our families. We have taken steps to rid our prisons of drugs, as well as to break the vicious cycle of drugs and crime. These efforts are making a difference: violent crime in America has dropped dramatically for 5 years in a row.

Over the last year, the United States and Mexico reached agreement on a mutual *Threat Assessment* that defines the scope of the common threat we face; and, an *Alliance* that commits our great nations to defeating that threat. Soon, we will sign a bilateral *Strategy* that commits both nations to specific actions and performance benchmarks. Our work to enhance cooperation within the hemisphere and worldwide is already showing results. For example, Peruvian coca production has declined by roughly 40 percent over the last 2 years. In 1997, Mexican drug eradication rates reached record levels, and seizures increased nearly 50 percent over 1996.

We are making a difference. Drug use in America has declined by 50 percent over the last decade. For the first time in 6 years, studies show that youth drug use is beginning to stabilize, and in some respects is even declining. And indications are that the methamphetamine and crack cocaine epidemics, which in recent years were sweeping the Nation, have begun to recede.

However, we must not confuse progress with ultimate success. Although youth drug use has started to decline, it remains unacceptably high.

More than ever, we must recommit ourselves to give parents the tools and support they need to teach children that drugs are dangerous and wrong. That is why we must improve the Safe and Drug-Free Schools program, and other after school initiatives that help keep our kids in school, off drugs, and out of trouble. We must hire 1,000 new border patrol agents and close the door on drugs at our borders. We must redouble our efforts with other nations to take the profits out of drug dealing and trafficking and break the sources of supply. And we must enact comprehensive bipartisan tobacco legislation that reduces youth smoking. These and other efforts are central elements of the *1998 National Drug Control Strategy*.

With the help of the American public, and the ongoing support of the Congress, we can achieve these goals. In submitting this plan to you, I ask for your continued partnership in defeating drugs in America. Our children and this Nation deserve no less.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 1116. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 174. A resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilites under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes.

S. Con. Res. 78. A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of October 31, 1997 and February 2, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of October 31, 1997 and February 2, 1998, at the end of the Senate proceedings.)

In the Foreign Service nominations beginning Kenneth A. Thomas, and ending Charles Grandin Wise, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 1997

In the Foreign Service nominations beginning Dolores F. Harrod, and ending Stephan Wasylko, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 1998

In the Foreign Service nomination of Lyle J. Sebranek, which was received by the Senate and appeared in the Congressional Record of February 2, 1998

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. COVERDELL:

S. 1698. A bill to amend the Immigration and Nationality Act to create a new nonimmigrant category for temporary agricultural workers admitted pursuant to a labor condition attestation; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 1699. 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 BILLIE-B-II; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. KERRY, and Ms. MOSELEY-BRAUN):

S. 1700. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. JEFFORDS, and Mr. REED):

S. 1701. A bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER:

S. 1702. A bill to amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephtalic acid imported from Mexico; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1703. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. HELMS, and Mr. HUTCHINSON):

S.J. Res. 42. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on Foreign Relations.

S.J. Res. 43. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICELLI, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD,

Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNBACK, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, Mr. COATS, Mr. GRAMS, Mrs. FEINSTEIN, Mr. SARBANES, Mr. DEWINE, and Mr. SMITH of New Hampshire):

S. Res. 188. A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group; to the Committee on Foreign Relations.

By Mr. TORRICELLI (for himself, Ms. LANDRIEU, Mrs. BOXER, Ms. SNOWE, Mrs. MURRAY, and Mr. DASCHLE):

S. Res. 189. A resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. Res. 190. A resolution to express the sense of the Senate regarding reductions in class size; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. KERRY, and Ms. MOSELEY-BRAUN):

S. 1700. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"; to the Committee on Environment and Public Works.

THE ROBERT C. WEAVER FEDERAL BUILDING DESIGNATION ACT OF 1997

Mr. MOYNIHAN. Mr. President, I rise to introduce legislation to name the Housing and Urban Development (HUD) headquarters here in Washington after Dr. Robert C. Weaver, adviser to three Presidents, director of the NAACP, and the first African-American Cabinet Secretary. I am pleased that Senators KERRY and MOSELEY-BRAUN are cosponsors of my bill. I would point out that Senator KERRY was poised to introduce similar legislation; in fact, he sent out a Dear Colleague on the subject last November. But he graciously deferred to me, and I am most appreciative. Bob Weaver was my friend, dating back more than 40 years to our service together in the Harriman administration. He passed away last July at his home in New York City after spending his entire life broadening opportunities for minorities in America. I think it is a fitting tribute to name the HUD building after this great man.

Dr. Weaver began his career in government service as part of President Franklin D. Roosevelt's "Black Cabinet," an informal advisory group promoting educational and job opportunities for blacks. The Washington Post called this work his greatest legacy, the dismantling of a deeply entrenched system of racial segregation in America. Indeed it was.

Dr. Weaver was appointed Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Administrator with Cabinet rank. It was during these years working for New York Governor Averell Harriman that I first met Bob; I was Assistant to the Secretary to the Governor and later, Acting Secretary.

Our friendship and collaboration continued under the Kennedy and Johnson administrations. In 1960, he became the president of the NAACP, and shortly thereafter would become a key adviser to President Kennedy on civil rights. In 1961, Kennedy appointed Dr. Weaver to head the Housing and Home Finance Agency, an entity that later became the Department of Housing and Urban Development. In 1966, when President Johnson elevated the agency to Cabinet rank, Dr. Weaver was, in Johnson's phrase, "the man for the job." He thus became its first Secretary, and the first African-American to head a Cabinet agency. Later, he and I served together on the Pennsylvania Avenue Commission.

Following his government service, Dr. Weaver was, among various other academic pursuits, a professor at Hunter College, a member of the School of Urban and Public Affairs at Carnegie-Mellon, a visiting professor at Columbia Teacher's College and New York University's School of Education, and the president of Baruch College in Manhattan. When I became director of the Joint Center for Urban Studies at MIT and Harvard, he generously agreed to be a member of the Board of Directors.

Dr. Weaver had earned his undergraduate, master's, and doctoral degrees in economics from Harvard; he wrote four books on urban affairs; and he was one of the original directors of the Municipal Assistance Corporation, which designed the plan to rescue New York City during its tumultuous financial crisis in the 1970s.

Last July, America—and Washington in particular (for he was a native Washingtonian)—lost one of its innovators, one of its creators, one of its true leaders. For Dr. Robert Weaver led not only with his words but with his deeds. I was privileged to know him as a friend. He will be missed but properly memorialized, I think, if we can pass this legislation.

Mr. President, I ask unanimous consent that my bill, and a July 21, 1997 editorial in the Washington Post, and a July 19, 1997 obituary from the New York Times be printed in the RECORD.

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

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the "Robert C. Weaver Federal 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 "Robert C. Weaver Federal Building".

[From the Washington Post, July 21, 1997]

ROBERT C. WEAVER

Native Washingtonian Robert C. Weaver, who died on Thursday in New York City at age 89, had a life of many firsts. Dr. Weaver served as a college president, Cabinet secretary, presidential adviser, chairman of the National Association for the Advancement of Colored People and as a director of the Municipal Assistance Corp., which helped save New York City from financial catastrophe. But his greatest legacy may be the work he did, largely out of public view, to dismantle a deeply entrenched system of racial segregation in America.

Before the landmark decade of civil rights advances in the 1960s, Dr. Weaver was one of a small group of African American officials in the New Deal era who, as part of the "Black Cabinet" pressured President Franklin D. Roosevelt to strike down racial barriers in government employment, housing and education. It was a long way to come for the Dunbar High School graduate who ran into racial discrimination in the 1920s when he tried to join a union fresh out of high school. Embittered by that experience, Bob Weaver went on to Harvard (in the footsteps of his grandfather, the first African American Harvard graduate in dentistry) to earn his bachelor's, master's and doctorate in economics. At another time in America, his university degrees might have led to another career path. For Bob Weaver in 1932, however, those credentials—and his earlier job as a college professor—made him an "associate advisor on Negro affairs" in the U.S. Department of the Interior.

Subsequent work as an educator, economist and national housing expert—and behind-the-scenes recruitment of scores of African Americans for public service—led to his appointment as New York State rent administrator, making him the first African American with state cabinet rank. President John F. Kennedy appointed him to the highest federal post ever occupied by an African American—the Housing and Home Finance Agency. Despite the president's support, however, the HHFA never made it to Cabinet status, because Dr. Weaver was its administrator and southern legislators rebelled at the thought of a black secretary. Years later President Lyndon Johnson pushed through the Department of Housing and Urban Development and named Robert Weaver to the presidential Cabinet.

For the nation, and Robert Weaver, the appointment was another important first. For many other African Americans who found lower barriers and increased opportunity in

the last third of the 20th century, Robert Weaver's legacy is lasting.

[From the New York Times, July 19, 1997]

ROBERT C. WEAVER, 89, FIRST BLACK CABINET MEMBER, DIES

(By James Barron)

Dr. Robert C. Weaver, the first Secretary of Housing and Urban Development and the first black person appointed to the Cabinet, died on Thursday at his home in Manhattan. He was 89.

Dr. Weaver was also one of the original directors of the Municipal Assistance Corporation, which was formed to rescue New York City from financial crisis in the 1970's.

"He was a catalyst with the Kennedys and then with Johnson, forging new initiatives in housing and education," said Walter E. Washington, the first elected Mayor of the nation's capital.

A portly, pedagogical man who wrote four books on urban affairs, Dr. Weaver had made a name for himself in the 1930's and 1940's as an expert behind-the-scenes strategist in the civil rights movement. "Fight hard and legally," he said, "and don't blow your top."

As a part of the "Black Cabinet" in the administration of President Franklin D. Roosevelt, Dr. Weaver was one of a group of blacks who specialized in housing, education and employment. After being hired as race relations advisers in various Federal agencies, they pressured and persuaded the White House to provide more jobs, better educational opportunities and equal rights.

Dr. Weaver began in 1933 as an aide to Interior Secretary Harold L. Ickes. He later served as a special assistant in the housing division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board and the War Manpower Commission.

Shortly before the 1940 election, he devised a strategy that defused anger among blacks about Stephen T. Early, President Roosevelt's press secretary. Arriving at Pennsylvania Station in New York, Early lost his temper when a line of police officers blocked his way. Early knocked one of the officers, who happened to be black, to the ground. As word of the incident spread, a White House adviser put through a telephone call to Dr. Weaver in Washington.

The aide, worried that the incident would cost Roosevelt the black vote, told Dr. Weaver to find the other black advisers and prepare a speech that would appeal to blacks for the President to deliver the following week.

Dr. Weaver said he doubted that he could find anyone in the middle of the night, even though most of the others in the "Black Cabinet" had been playing poker in his basement when the phone rang. "And anyway," he said, "I don't think a mere speech will do it. What we need right now is something so dramatic that it will make the Negro voters forget all about Steve Early and the Negro cop too."

Within 48 hours, Benjamin O. Davis Sr. was the first black general in the Army; William H. Hastie was the first black civilian aide to the Secretary of War, and Campbell C. Johnson was the first high-ranking black aide to the head of the Selective Service.

Robert Clifton Weaver was born on Dec. 29, 1907, in Washington. His father was a postal worker and his mother—who he said influenced his intellectual development—was the daughter of the first black person to graduate from Harvard with a degree in dentistry. When Dr. Weaver joined the Kennedy Administration, whose Harvard connections extended to the occupant of the Oval Office, he held more Harvard degrees—three, including a doctorate in economics—than anyone else in the administration's upper ranks.

In 1960, after serving as the New York State Rent Commissioner, Dr. Weaver became the national chairman of the National Association for the Advancement of Colored People, and President Kennedy sought Dr. Weaver's advice on civil rights. The following year, the President appointed him administrator of the Housing and Home Finance Agency, a loose combination of agencies that included the bureaucratic components of what would eventually become H.U.D., including the Federal Housing Administration to spur construction, the Urban Renewal Administration to oversee slum clearance and the Federal National Mortgage Association to line up money for new housing.

President Kennedy tried to have the agency raised to Cabinet rank, but Congress balked. Southerners led an attack against the appointment of a black to the Cabinet, and there were charges that Dr. Weaver was an extremist. Kennedy abandoned the idea of creating an urban affairs department.

Five years later, when President Johnson revived the idea and pushed it through Congress, Senators who had voted against Dr. Weaver the first time around voted for him.

Past Federal housing programs had largely dealt with bricks-and-mortar policies. Dr. Weaver said Washington needed to take a more philosophical approach. "Creative federalism stresses local initiative, local solutions to local problems," he said.

But, he added, "where the obvious needs for action to meet an urban problem are not being fulfilled, the Federal Government has a responsibility at least to generate a thorough awareness of the problem."

Dr. Weaver, who said that "you cannot have physical renewal without human renewal," pushed for better-looking public housing by offering awards for design. He also increased the amount of money for small businesses displaced by urban renewal and revived the long-dormant idea of Federal rent subsidies for the elderly.

Later in his life, he was a professor of urban affairs at Hunter College, was a member of the Visiting Committee at the School of Urban and Public Affairs at Carnegie-Mellon University and held visiting professorships at Columbia Teachers' College and the New York University School of Education. He also served as a consultant to the Ford Foundation and was the president of Baruch College in Manhattan in 1969.

His wife, Ella, died in 1991. Their son, Robert Jr., died in 1962.

Mr. KERRY. Mr. President, I join Senator MOYNIHAN in supporting his legislation to designate the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the "Robert C. Weaver Federal Building."

Robert Weaver was a stalwart leader in the fight to build a society free from racial prejudice and discrimination. He spent his life in a pursuit of equality and a campaign to end all forms of discrimination based on race.

Dr. Weaver was a member of "the black cabinet" which sought to ensure that the new government projects of the New Deal applied to and benefitted minority groups during the Roosevelt Administration. His personal crusade led for civil rights led to the selection of the first African-American to be a general in the Army, the naming of the first African-American to be a civilian aide to the Secretary of War, and the appointment of the first African-American to be a high-ranking aide to the head of the Selective Service.

In 1955, Dr. Weaver began a long career in housing when he was appointed Deputy Commissioner of Housing for the State of New York. Later that year, he became the state rent administrator. In 1960, Dr. Weaver was selected to be the vice-chairman of the New York City Housing Redevelopment Board, a three-member body responsible for administering the city's urban renewal and moderate-income housing programs.

Dr. Weaver's reputation as a skilled housing policy and program practitioner soon extended well beyond New York. President John K. Kennedy named Dr. Weaver as Administrator of the Federal Housing and Home Finance Agency, and President Lyndon Johnson nominated him to be the first Secretary of Housing and Urban Development when the Department of Housing and Urban Development was formed in 1966.

Dr. Weaver's leadership and vision set the course for the future of the housing and urban redevelopment industries. Past Federal housing programs had focused largely on "bricks-and-mortar" policies, but Dr. Weaver believed that "you cannot have physical renewal without human renewal." His principal concern was to raise the standard of urban housing and to move away from the bleak high rise projects that scarred the urban landscape and were the origins of many inner city social problems that were just beginning to be recognized. He used all of his various positions and considerable experience to advocate effective public programs to house all Americans and to revitalize communities.

He was a true visionary who fought to expand the possibilities of all Americans. I can think of no better person to name the first building to house the Department of Housing and Urban Development than Dr. Robert Clifton Weaver, the first African-American Cabinet member in New York State, the first African-American member of a President's cabinet, and the federal government's first Secretary of Housing and Urban Development. This tribute is even more fitting because Robert Weaver, along with then Vice-President Hubert H. Humphrey and others, laid the cornerstone of this building during his tenure as Secretary.

By Mr. ROCKEFELLER:

S. 1702. A bill to amend the Harmonized Tariff Schedule for the United States to change the special rate of

duty on purified terephtalic acid imported from Mexico; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE LEGISLATION

Mr. ROCKEFELLER. Mr. President, I rise today to introduce this bill to amend Chapter 29 of the Harmonized Tariff Schedule of the United States to effect the immediate elimination of the special duty rate on Purified Terephthalic Acid (PTA) imports from Mexico in order that the United States polyester industry can remain competitive in the U.S. domestic market.

We're faced with an ironic situation where a single American supplier is the source of substantial harm to the American polyester production industry and American workers. This is a highly unusual situation in which the American supplier has been able to remain a monopolistic producer of PTA, thus controlling the supply of the product and the price U.S. consumers must pay. By eliminating the tariff on PTA from Mexico, this legislation will place the U.S. PTA market on a level playing field with adequate supply and market dictated prices.

PTA is the principal feedstock in producing polyethylene terephthalate (PET), a polyester resin produced in West Virginia by Shell Chemical. This feedstock, PTA, comprises nearly two thirds the cost of polyester production. PTA is produced for the U.S. merchant market by one sole supplier, who can control both the price and supply of PTA in the U.S. market. Because the NAFTA tariff makes PTA imports unaffordable, U.S. PET producers, like Shell, are limited domestically to only one source to meet their PTA needs. This domestic source is not providing PET buyers with sufficient quantities of PTA, nor at a competitive price. Subsequently, the combination of the NAFTA tariff on PTA and a single domestic merchant producer of PTA, the U.S. price for PTA is kept the highest in the world. As a result, U.S. polyester producers, like the one in West Virginia, operate in a closed, non-competitive environment.

Consequently, a tariff inversion is created which significantly harms U.S. PET production because PET imports made with cheaper, foreign PTA are subject to relatively low tariffs or none at all in the case of GSP countries. This tariff inversion exposes West Virginia's PET production and all U.S. polyester production to unfair competition from foreign competitors. Further, it prohibits any possibility for expansion and new job creation.

I understand that the Office of the United States Trade Representative is currently negotiating with their Mexican counterparts various tariff eliminations under the Second Round of Accelerated Tariff Elimination under the North American Free Trade Agreement. The PTA tariff is under consideration. The elimination of the duty for PTA is supported by the majority of the U.S. PTA industry and Mexico.

Shell's future economic viability in West Virginia is linked to the elimination of this tariff. If the tariff is not eliminated, the cutback in Shell polyester production could cost as many as 250 full-time jobs that pay on average, $70,000 a year, including direct wages, benefits and retirement. Already 160 jobs have been lost since 1995 as a direct result of the economic disadvantage caused by this inequity. I would add that these jobs provide some of the highest paying salaries in my State.

This lack of competitive domestic PTA pricing does not just cause harm to my State of West Virginia—also at risk are nearly 3,500 workers employed by several U.S. polyester producers buying PTA across the country.

I urge the Senate to act on this PTA tariff elimination bill so that West Virginians and other domestic workers and producers can fairly compete in this highly competitive global marketplace and to have the opportunity to expand U.S. operations when market conditions permit.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEREPHTHALIC ACID.

(a) IN GENERAL.—Subheading 2917.36.00 of the harmonized Tariff Schedule of the United States in amended by striking "1.8¢/kg + 8.9% (MX)" in the special rates of duty subcolumn and inserting ", MX" in the parenthetical after "J".

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered on or after the date that is 15 days after the date of enactment of this Act.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1703. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

THE STANISLAUS COUNTY FEDERAL LAND CONVEYANCE ACT OF 1998

Mrs. BOXER. Mr. President, I rise today to introduce legislation providing for the conveyance of federal land to Stanislaus County, California. This bill is nearly identical to legislation passed by the House of Representatives last November.

The land in question is known as the NASA Ames Research Center, Crows Landing Naval Air Facility. During World War II, Crows Landing was a flight training center encompassing 1,500 acres and containing two airstrips. Following the war, jurisdiction was transferred to NASA, which now no longer has any use for this facility. Right now, these airstrips are going to waste.

Giving this land back to the county will promote economic growth and be an important asset to local development. While passage of this bill would greatly serve Stanislaus County, it would also permit NASA to retain the right to use the facility for aviation purposes. It creates a win-win situation for all involved.

Crows Landing has greatly served this nation—first in the interest of national defense and then to the benefit of the space program. But now, it lies abandoned. We should follow the House and give this land back to the people of Stanislaus County.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1703

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) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 555(1) of title 5, United States Code.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

SEC. 2. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of enactment of this Act, the Administrator shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 3.

SEC. 3. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 2 is—

(1) the approximately 1,528 acres of land in Stanislaus County, California, known as the "NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing)";

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 4. TERMS.

(a) CONSIDERATION.—The conveyance required by section 2 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the conveyance required by section 2 shall not relieve any Federal agency of any responsibility under applicable law for any environmental remediation of soil, groundwater, or surface water.

(2) OTHER REMEDIATION.—Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 3 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE; TERMS AND CONDITIONS OF TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the National Aeronautics and Space Administration shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 3.

(2) LEGISLATIVE JURISDICTION.—The terms and conditions referred to in paragraphs (1) and (3) may not include any provision restricting the legislative jurisdiction of the State of California over the property conveyed pursuant to section 2.

(3) ADDITIONAL TERMS.—Subject to paragraph (2), the Administrator may negotiate additional terms of the conveyance required by section 2 to protect the interests of the United States.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. HELMS, and Mr. HUTCHINSON):

S.J. Res. 42. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on Foreign Relations.

S.J. Res. 43. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

MEXICO CERTIFICATION DISAPPROVAL LEGISLATION

Mr. COVERDELL. Mr. President, for the next few minutes I will make limited remarks prior to the introduction of two separate joint resolutions that deal with the administration's recent certification of Mexico dealing with the losing drug war, and that deal, in my judgment, was a more appropriate approach to this situation.

Mr. President, I consider myself as a person somewhat surprised by the New York Times editorial of Saturday, February 28, 1998; the headline of the editorial, "Certifiably Wrong On Mexico."

The Clinton administration does no favor to Mexico or its own credibility by certifying that Mexico is "fully cooperating" in the fight against drug trafficking. Compounding the damage, the White House Drug Policy Director, Barry McCaffrey, fatuously claims that Mexican cooperation is "absolutely superlative."

According to this editorial,

A more truthful assessment can be found in the Drug Enforcement Administration's confidential evaluation, described by Tim Golden in yesterday's Times. The DEA concludes that "the Government of Mexico has not accomplished its counter-narcotic goals or succeeded in cooperation with the U.S. Government." Mexican trafficking has increased, the DEA notes, and the corruption of its enforcement agencies "continues unabated."

Though Washington finds it diplomatically inconvenient to acknowledge, Mexico has a chronic problem with drug traffickers who always seem to be able to secure the political influence they need to avoid arrest and prosecution. This drug corruption greases the flow of narcotics into the United States. Mexico's drug networks span the border, supplying cocaine, heroin, and marijuana to American users.

Mr. President, in a hearing last week, I indicated, along with Senator FEINSTEIN of California, that we would be introducing resolutions, the purpose of which would be to change this course between the United States and Mexico on this matter. It would be our goal that the process would decertify Mexico on this matter with a Presidential waiver in the national interest in which I believe we both concur. This would be an honest appraisal of our circumstances.

The problem with certifying is that it sends a message to the vast populations of the United States and of Mexico that this war is being won, that we have turned a corner, that things are working out. That simply is not the case. I think it does a disservice to the entire population of both countries for us to send a message of victory when, indeed, the message is one of gravity and loss.

This situation has grave consequences for the people of the United States. I have to say that the United States shares enormous responsibility in this struggle. My remarks are not intended to castigate or single out Mexico; quite to the contrary; I view them as a great ally. They are a great trading partner. We share this hemisphere. We have mutual goals—democratic goals. But neither country seems to want to face the fact that it is losing a precious struggle.

In 1991, the drug interdiction budget for the United States was $2.03 billion; today it is $1.44 billion. That is a dramatic reduction in our commitment. In 1992, the United States stopped, seized 440 kilograms of cocaine and marijuana a day; in 1995, it had been cut in half; we only stopped 205 kilograms of cocaine and marijuana per day.

What does this all mean? In shorthand, it means that about 3 million teenagers aged 12–16 are using drugs today that weren't in 1991. To give an example, in 1991, 400,000 eighth-graders had used an illicit drug in the last year. In 1996 and 1997, that number rose to 920,000. In 10th grade, 600,000 had used a drug in 1991; in 1996 and 1997, it had doubled to 1.2 million children. In 12th grade, 600,000 in 1991; 1.1 million, almost doubled again, in 1996 and 1997.

So by not confronting this directly and honesty, we are all contributing to the accelerated rate of children using drugs and we are going to pay a price for this the likes of which we have never seen.

I will yield to the Senator from California in just a moment, but first I quote a story of a top administrative official on this. It ran in the Phoenix papers.

"Our current interdiction efforts almost completely fail to achieve our purpose of reducing the flow of cocaine, heroin, and methamphetamines across the (Southwest) [the Mexican] border," said Francis X. Kinney, director of strategic planning for the Office of National Drug Control Policy. . . .

Kinney said the United States will continue to be overrun by drug traffic at the U.S.-Mexican border unless it emphasizes improved intelligence and high-tech screening equipment. . .

The last thing he said addresses the Senator from California:

"They [the Congress] want us to call it like it is, not to be an apologist," alluding to the U.S. Congress.

I think this gentleman is absolutely correct.

Mr. President, I send a joint resolution to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. COVERDELL. Mr. President, I send another joint resolution to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. COVERDELL. Mr. President, in concluding and yielding to the Senator from California, I just want to make it clear that the purpose of these two joint resolutions is to alter the course of our engagement in the drug war, principally as it relates to Mexico. Instead of certifying and saying, "Here is a message of victory to the two peoples of the two Nations," it decertifies with a national security waiver and calls it like it is and refocuses our Governments and our people in a combined effort to win this battle and not lose it—to win it for the millions of children that are suffering, because we are losing it.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Georgia, and I rise to join him in submitting these resolutions for disapproval of the President's decision to certify Mexico as fully cooperating with the United States in the fight against drug trafficking.

Mr. President, as we all know, when the President made the same decision last year, it sparked an intense debate between the administration and what was in all probability a majority of Congress who did not believe that Mexico had earned certification. I have looked long and hard at the evidence that is available. I have received extensive briefings from law enforcement and intelligence officials. Anyone, I believe, who has received these same briefings would come to the conclusion I have reached, that once again the decision to certify Mexico is incorrect and not grounded in the facts.

While Mexico has made some limited progress, there remain gaping holes in its counternarcotics effort. Whether due to inability or lack of political will, these failures badly undermine the urgent effort to keep the scourge of drugs off our streets. Regardless of America's demand problem, when the supply of drugs reaches the point where it comes in at literally tons each day, any demand program is extraordinarily difficult to sustain.

Has Mexico cooperated in some areas? Of course. There are one or two new police units which seem to have trusting relationships with the DEA. New vetting procedures are beginning to be implemented in the hiring of new police officers. Mexico and the United States have agreed on a bilateral drug strategy, although it is a vaguely worded document that will take years to evaluate whether it has been successful and whether actions on the streets will follow this roundtable document.

It can also be argued that pressure brought to bear on drug lord Amado Carrillo-Fuentes was responsible for driving him to seek refuge in another country—Chile—and very likely for his attempt to conceal his identity through plastic surgery. The surgery, of course, resulted in his death and the torture-murder of the entire surgical team. His organization, however, continues to operate, and a reign of violence has been unleashed as his would-be successors battle for control of his organization.

But last year, Senator COVERDELL and I laid out a number of key areas that we would use to judge whether or not Mexico has reached the standard of full cooperation. Sadly, our top law enforcement agencies indicate that none of these changes has produced significant results. There has been no demonstrable action on any—and I repeat "any"—of the benchmarks outlined by Congress last year as key measurements of cooperation by Mexico: dismantlement of drug cartels, the arrest and prosecution of cartel leaders, the extradition of Mexican nationals on drug charges to the United States for prosecution, effective prosecution of corrupt officials, law enforcement cooperation, effective money laundering laws implemented, security of U.S. drug agents working in bilateral efforts in Mexico.

Let me touch on each of these. The cartels in Mexico today are either as strong or stronger than they were a year ago. And despite much talk of cooperation, there has been no substantial progress by the Government of Mexico in developing prosecutable cases against the leaders of the major drug trafficking groups, even when these individuals have been identified by U.S. investigations and are made the subject of U.S. indictments.

The scope of Mexican drug trafficking has increased significantly, along with the attendant violence, even against United States and Mexican law enforcement officials and informants. During 1997, DEA recorded in excess of 50 incidents of threats along the Southwest border. According to the information I have received, the Mexican Government has arrested and prosecuted few individuals in connection with these acts. None of the major cartels has been dismantled nor have their leaders been arrested.

Take the Amado Carrillo-Fuentes organization. After the death of Amado Carrillo-Fuentes, there were numerous enforcement actions taken against his organization, but the intelligence was unproductive, leading to insignificant asset seizures and new arrests.

On July 30, 1997, Mexican authorities detained a close associate of Carrillo-Fuentes, Manuel Bitar-Tafich, leading to seizure of $50 million in the United States. However, because the Mexicans have not provided the needed documents to support the seizure in the United States, much of the money had to be returned. Bitar himself remains in custody, but there has been no movement on his case. While the Mexicans have reported seizing $52 million in Mexico, no documentation supporting this seizure has been provided to the U.S. Government.

The Mexican Government arrested Noe Brito, a member of Carrillo-Fuentes' security apparatus. He was released, however, before the DEA was even allowed to interview him.

The Arellano-Felix operation—the notorious cartel located just south of California in the Tijuana area—continues to operate with impunity. There have been several enforcement actions in 1997, but few resulted in significant results against the cartel's trafficking operations.

On November 8, 1997, the Mexican Attorney General's Office arrested Arturo Everardo Paez-Martinez, a known cartel assassin. Paez is incarcerated in Mexico on the basis of a provisional U.S. arrest warrant but has not been extradited.

On September 20, Mexico's counternarcotics unit reporting to the Attorney General arrested two men on weapons charges, who are known members of the "Juniors," a group of young assassins recruited by the Arellano-Felix cartel. The Government of Mexico offered to extradite one of the men, but the United States had to turn down the offer due to lack of outstanding charges and evidence against him. This is an example of what results from a lack of cooperative law enforcement efforts.

The Sonora Cartel. Miguel Angel Caro-Quintero heads his family's organization operating out of Sonora, Mexico. There are four outstanding warrants for him on smuggling, RICO statute, and conspiracy charges. He has been operating freely in Mexico since 1992. There are also provisional arrest warrants issued for both Miguel and Rafael Caro-Quintero.

The Amezcua-Contreras brothers. The Amezcua-Contreras brothers' organization is believed to be the world's largest clandestine producer of methamphetamine. The organization procures huge quantities of the ephedrine in Thailand and India, which is supplied to laboratories in Mexico and California. The Amezcuas' methamphetamine is distributed in large cities across the United States. A U.S. law enforcement investigation, Operation META, concluded in December of 1997 with the arrest of 101 defendants, seizure of 133 pounds of methamphetamine, and the precursors to manufacture up to 540 pounds more, along with 1,100 kilos of cocaine and over $2.25 million in assets.

Mexican efforts against this organization have not met with great success:

On November 10, 1997, the Mexican military's special vetted unit arrested Adan Amezcua at his ranch in Colima on gun charges, not on drug charges. He is the only Amezcua not under indictment in either the United States or Mexico. He remains in custody pending further investigations. The Government of Mexico has failed to indict or arrest any of the principal members of the Amezcua organization in Mexico.

The DEA International Chemical Control Unit has supported elements of the Government of Mexico financially and logistically for numerous investigations of the Amezcuas, with little or no results. None of the investigations resulted in arrests or produced information that could be used in U.S. courts.

Though Jesus and Luis Amezcua are currently under Federal indictment in the United States on a variety of charges, there are no provisional arrest warrants for them and they remain at large in Mexico.

Extradition was a key benchmark and a test of cooperation. There have been no extraditions from Mexico to the United States of any Mexican nationals on drug charges—none.

The identities of the leaders of the major criminal groups based in Mexico who control the flow of heroin, cocaine, and methamphetamine to the United States have been known for several years. In fact, U.S. law enforcement agencies have built cases on and indicted in the United States virtually all of these cartel leaders. The Department of Justice has filed provisional arrest warrants for the most significant drug traffickers in Mexico. While several have been arrested, many others remain at large and none has been extradited to the United States.

In the war against drugs, extradition of cartel leaders for trial and imprisonment in the United States is a key and indisputable beachhead in the war against drug trafficking. It is also a major benchmark of cooperation.

In my view—and I know the view held by law enforcement in the United States—the drug lords operating in Mexico only fear extradition to the United States, where they know they will stand trial and face punishment commensurate with their crimes. The Mexican law enforcement institutions and legal system present no deterrent to their operations.

That is why this Senate, many of my colleagues, and law enforcement officials have repeatedly said that the most meaningful measurement of real progress in drug cooperation with Mexico is if the major traffickers are apprehended and extradited to the United States.

Provisional arrest warrants have been filed by the Department of Justice for the following major traffickers: Agustin Vasquez-Mendoza, Ramon Arellano-Felix, Rafael Caro-Quintero, Miguel Caro-Quintero, Vicente Carrillo-Fuentes, Eduardo Gonzalez-Quirarte, Oscar Malherbe, Arturo Paez-Martinez, Jaime Ladino-Avila, Jose Gerardo-Castro/Gonzalez-Gutierez, William Brian Martin, Miguel Angel Martinez-Martinez, Antonio Hernandez-Acosta, and Miguel Felix Gallardo.

These are all key lieutenants in either the Amezcua, Carrillo-Fuentes, Caro-Quintero, or Arellano-Felix organizations. The Justice Department requested extradition of four of the above within the past year. The first two requests have been stalled or completely thwarted by Mexican courts.

Last November, the United States and Mexico Attorneys General signed a protocol to the United States-Mexican Extradition Treaty that authorized temporary surrender of a convicted party to the other country to face drug charges. This is certainly a positive signal, but it has yet to be tested in practice.

The bottom line is that, to date, there has not been a single extradition of a Mexican national to the United States on drug charges—not one.

Corruption. Drug-related corruption is probably the single greatest obstacle that the United States faces in its global battle against international drug trafficking. Unfortunately, drug corruption in Mexico is so deeply rooted that it persists despite attempts to eradicate it.

The level of drug corruption in Mexico continues unabated. According to the briefings I have received, virtually every investigation our law enforcement agencies conduct against major traffickers in Mexico uncovers significant corruption of law enforcement officials.

Our own law enforcement agencies indicate that endemic corruption among Mexican law enforcement officials continually frustrates our effort to build cases against and to apprehend the most significant drug traffickers in Mexico, and it is the primary reason there has been no meaningful progress in drug law enforcement in Mexico.

In the wake of the devastating disclosure that Mexico's own "drug czar" was on the payroll of Amado Carrillo-Fuentes, the Mexican Government dismantled the INCD, the Mexican counterpart to the DEA, and fired the majority of its employees.

Unfortunately, many of those fired were ordered reinstated by Mexican courts.

Additionally, of the 40 military officers arrested as part of the Gutierrez-Rebollo investigation, none has been brought to trial or convicted to date.

The following cases indicate how deeply drug corruption has penetrated into Mexican institutions:

Colonel Jose Luis Rubalcava, who had been Director of the Federal Judicial Anti-Drug Police under the INCD, was arrested on or about April 14, 1997 on charges in connection with 2.5 tons of cocaine seized in Sombrete, Mexico in 1995. This is the director for the Judicial Anti-Drug Police—2½ tons of cocaine.

U.S. law enforcement officials speculate that bribery and corruption may have been behind the withdrawal of Baja state police protection from a Tijuana news editor prior to his November 27, 1997 attempted assassination. The editor had been putting public pressure on the issue of drug corruption.

According to a December 1997 statement by Mexican Attorney General Madrazo, out of some 870 Federal agents dismissed on corruption charges in 1996, 700 have been rehired in either the PGR—the Mexican Attorney General's office—or at the state and local level. The rehiring was done at the direction of the courts.

If you cannot fire corrupt law enforcement officials, how can you fight drugs?

The issue of prosecuting corrupt officials is important, because without fear of prosecution, there is little deterrence. Too often in Mexico, officials are fired, but never prosecuted.

In 1997, there were only 3 corruption cases being prosecuted, including General Gutierrez. Another case involves the theft of 476 kilograms of cocaine by 17 PGR officials, including an Army General in Sonora. The third involved a Judicial Police Comandante. The Mexican government has reportedly begun additional prosecutions, but many more cases need to be brought to trial in order to have any deterrent effect.

LAW ENFORCEMENT COOPERATION

This is where the rubber hits the road in counternarcotics cooperation, not in agreements reached at the political level. Unfortunately, law enforcement cooperation from Mexico has been severely lacking.

It is encouraging to hear from DEA that there are now some Mexican officials with whom they believe they can build a trusting relationship.

A key aspect of this institution-building process is vetting, leading to the development and professionalization of the new drug enforcement unit, the Special Prosecutor's Office for Crimes Against Health.

This vetting process could go a long way toward providing U.S. law enforcement officials with the level of trust in their counterparts necessary for an effective bi-lateral effort, but it is still in its infancy, and even some officials who have been "vetted" have subsequently been arrested in connection with traffickers. So while this effort is critically important, it is not evidence of full cooperation by a long shot.

More telling however, is the state of affairs with the much-vaunted Bilateral Border Task Forces located in Tijuana, Ciudad Juarez and Matamoros. Each Task Forces was supposed to include Mexican agents, and two agents each from DEA, FBI, and the U.S. Customs Service. But, regretfully, the Task Forces are not operational because some Mexican agents, and even comandantes, have been under suspicion of, or arrested for, ties to criminal organizations.

The old Task Forces were dismantled after the arrest of General Gutierrez-Rebollo and have been rebuilt since then. But the Mexican government for a long time did not provide the promised funding, leaving DEA to carry the full cost, which they did until September of last year.

Additionally, the issue of personal security for U.S. agents working with the Bilateral Task Forces in Mexico has not been resolved and, as a result, the task forces are not operational and will not be until the security issue is resolved.

The bottom line is that the task forces cannot function properly without DEA and other federal law enforcement agents working side by side with their Mexican counterparts, as is the case with similar units in Colombia and Peru. This critical joint working relationship is made impossible by Mexican policies that do not allow for adequate immunities or physical security for U.S. Special Agents while working in Mexico.

A related problem for the Task Forces is the low quality of intelligence provided by Mexico. To my knowledge there have been no meaningful intelligence leads from Mexican agents to their American counterparts leading to a single significant seizure of drugs coming into this country.

Intelligence sharing simply does not flow north.

U.S. law enforcement officials indicate that Mexico's drug intelligence facilities located near the Task Forces are manned by non-vetted, non-law enforcement civilians and military staff and have only produced leads from

telephone intercepts on low-level traffickers. To date, none of the electronic intercepts conducted by the Task Forces have produced a prosecutable drug case in Mexican courts against any major Mexican criminal organization.

To its credit, the Organized Crime Unit does have several major on-going investigations underway. But only 140 of the planned 280 prosecutors, investigators and support personnel have been hired, and only 25 have been "super-vented." Again, this unit is promising, but it is still too early to tell whether it will maintain the integrity, or have the staffing, training and resources to be effective partners in the war against drugs.

ENFORCEMENT

Mexico's seizures of cocaine have increased from 23.6 metric tons in 1996 to 34.9 metric tons in 1997—although that is still far below the average of 45 metric tons in 1991–1993. Marijuana seizures did reach an all-time high.

Unfortunately, seizures of heroin, methamphetamine, and ephedrine are all down sharply. Heroin seizures fell from 363 kilograms to 115 kilograms. Methamphetamine seizures fell from 172 kilograms to only 39 kilograms. Ephedrine seizures fell dramatically from 6,697 kilograms to only 608 kilograms.

Drug related arrests declined from an already low 11,283 to 10,622, barely a third of the number arrested in 1992. Less than half as many weapons were seized in 1997 (1,892) as in 1996 (4,335).

In another crucial enforcement area, Mexico's new money-laundering statutes have yet to be fully enforced, and have not resulted in any successful prosecutions yet. Mexico has decided to make violations of new banking regulations non-criminal violations, which severely undercuts the deterrent factor.

Mexico's Organized Crime Statute has yet to be fully implemented. The Government of Mexico has advised that the lack of judicial support and known judicial corruption have frustrated implementation of the wire intercept aspects of the law.

But let us be honest with ourselves. The statute asks the President to certify that a country has "cooperated fully" with the United States. If Mexico has cooperated in three or four areas, and not cooperated in ten or twelve others, can we really call that full cooperation. Of course not. At best, we should say that Mexico has cooperated partially with the United States in counternarcotics efforts. But full cooperation? It's not even close.

We must make an honest assessment. To those who dislike the certification statute, I quote again from the New York Times editorial "* * * as long as certification remains on the books, the Administration has a duty to report truthfully to Congress and the American people. It has failed to do so in the case of Mexico."

So in the wake of the President's decision to certify Mexico, I believe we in Congress have no choice but to try to pass a resolution of disapproval. If possible, we will pass one with a waiver of sanctions. But if not, we will have to vote on the straight resolution of disapproval. We have until March 28 to decide.

Mr. President, we must make an honest assessment of full cooperation, and there is only one way to assess full cooperation, and it is on the streets. It is with extradition. It is with arrest of cartel leaders. It is with letting our DEA agents who work the Mexican side of the border have their security—meaning beyond. You cannot send them across the border without a mechanism to protect them. None of this is happening today.

The big, highly touted drug agreement, which I read, talks about the size and shape of the table. There are no specifics.

In view of this, I urge decertification with a waiver.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 412

At the request of Mr. SMITH, his name was withdrawn as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 712

At the request of Mr. MOYNIHAN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1596

At the request of Mr. COVERDELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1596, a bill to provide for reading excellence.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home

parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Florida (Mr. MACK), the Senator from Nevada (Mr. REID), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 187

At the request of Mr. MACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 188—CONCERNING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICELLI, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD, Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNBACK, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, Mr. COATS, Mr. GRAMS, Mrs. FEINSTEIN, Mr. SARBANES, Mr. DEWINE, and Mr. SMITH of New Hampshire) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 188

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, "to develop friendly relations among nations based on respect for the principle of equal rights . . ."; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the "Western European and Others Group", a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any effort to expand the United Nations Security Council also resolves this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

SENATE RESOLUTION 189—HONORING THE 150TH ANNIVERSARY OF THE U.S. WOMEN'S RIGHTS MOVEMENT

Mr. TORRICELLI (for himself, Ms. LANDRIEU, Mrs. BOXER, Ms. SNOWE, Mrs. MURRAY, and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 189

Whereas 1998 will mark the 150th anniversary of the Women's Rights Movement in the United States, a valiant civil rights movement that began in 1848 when the Women's Rights Convention was held in Seneca Falls, New York;

Whereas the Declaration of Sentiments, the document issued by the Women's Rights Convention, is a strong reflection of this country's commitment to liberty and personal freedom;

Whereas the Women's Rights Movement has had an irreversible effect on the opportunities open to women in all areas of life, including business, education, religion, the arts, science, and athletics;

Whereas the history surrounding the fight for women's equality over the past century and a half is still greatly unknown and unrecognized by many of our Nation's citizens and demands more acknowledgment in our children's curriculum;

Whereas there is an ever-increasing need for both women and men to share in the fundamental responsibilities of our national life with a full and equal participation in society; and

Whereas March 1998, is National Women's History Month, celebrated with the theme of "Living the Legacy of Women's Rights": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and celebrates 1998 as the 150th anniversary of the Women's Rights Movement and March 1998 as National Women's History Month under the theme "Living the Legacy of Women's Rights"; and

(2) calls on educators, government officials, and businesses to celebrate the legacy of the Women's Rights Movement and remember the struggle that began 150 years ago.

SENATE RESOLUTION 190—REGARDING REDUCTIONS IN CLASS SIZE

Mr. FEINGOLD (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 190

Whereas long-range projections by the Bureau of the Census indicate a rising number of births, rising to 4,200,000 in 2010 and 4,600,000 in 2020;

Whereas in the coming years the population of school-aged children is expected to increase to a record 52,200,000;

Whereas academic achievement for all students is one of our Nation's highest priorities;

Whereas increased enrollments have resulted in a further increase of the average class size;

Whereas research has shown that children in small classes in the earliest grades achieve better academically than the peers of such children in larger classes;

Whereas research has shown substantial lasting benefits for children who were in small classes during the earliest grades;

Whereas smaller classes allow students to receive more individual attention from their teachers, and reduce teachers' burden of managing large numbers of students and the other work of the teachers; and

Whereas several States have been forward thinking in trying to address this classroom size problem: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) experiments in reducing class size have had an effect on academic achievement in the earliest grades; and

(2) the Senate should seek to assist States in the efforts of States to reduce class size and access the benefits of such a reduction.

Mr. FEINGOLD. Mr. President, I rise today to submit a Senate resolution regarding smaller classes in our public schools.

This resolution expresses the Senate's strong sense that experiments in reducing class size in the earliest grades demonstrate a proven educational benefit. Accordingly, the Senate should assist States in their efforts to reduce class size and assess the benefits of such reductions.

Mr. President, yesterday I visited the Parkview Elementary School in Cudahy, a community near Milwaukee, where I had the chance to read Dr. Seuss' classic children's story, "Green Eggs and Ham," to a group of 15 first-grade students. It was exciting to watch their faces come alive with curiosity as they listened.

Parkview Elementary is a special school because it is one of 30 Wisconsin schools in 21 school districts that are participating in the Student Achievement Guarantee in Education program, or the SAGE program. It is a very popular pilot program and, according to an independent evaluation being conducted by the University of Wisconsin-Milwaukee's, Center for Urban Initiatives and Research, it's been very effective at reducing the size of elementary school classes. SAGE is a very appropriate acronym, for a sage is a teacher who imparts knowledge and wisdom through direct interaction with his or her students, and the SAGE program in Wisconsin is trying to give students and teachers more opportunities to interact directly, which improves learning.

SAGE is a pilot program created by the Wisconsin legislature in 1995. The specific objective of the program is to improve student achievement through four reform strategies: (1) reducing student/teacher ratios to a maximum of 15-to-1, which was the size of the first-grade class I visited yesterday; (2) increasing cooperation between schools and their surrounding communities; (3) implementing a rigorous academic curriculum stressing achievement; and, finally, (4) improving staff development and evaluation. A modest amount of state aid is available to schools who adopt the SAGE program, which currently covers kindergarten through the second grade, and which is scheduled to be expanded to cover third grade in the near future.

SAGE has proven to be very popular with parents, teachers, school administrators and students. Reports from Wisconsin educators indicate improvements in classroom environment and academic performance in schools participating in this program. A December 1997 study found that first-graders participating in SAGE scored higher on standardized tests than other students in comparison schools. The SAGE program has demonstrated again what we know instinctively: students in smaller classes benefit from more attention from teachers, and teachers with fewer pupils will have more time and energy to devote to their jobs. Class size has been proven to be one of the crucial factors in the quality of a child's education, along with teacher quality and parental involvement.

The SAGE program and this resolution will reinforce what should be good, common sense. If you have smaller classes, children get more attention from teachers, and it stands to reason that more attention will translate into more learning.

Mr. President, I think the Wisconsin experience with this kind of common-sense educational reform is instructive.

That is why, last fall, I included an amendment to the Labor and Health and Human Services Departments' 1998 appropriation bill requiring the Department of Education to study the costs and benefits of reducing class size in the earliest grades. My amendment also required the Department to prepare cost estimates of growing enrollments and to follow-up with policy recommendations. In addition, I wrote earlier this year to President Clinton in January requesting that he make reducing class size a priority in his FY 99 education budget. I was pleased that the President's FY 99 budget includes an initiative to help schools provide small classes with qualified teachers in the early grades. Mr. President, in an effort to spread the message of the successful SAGE pilot program, I recently invited Education Secretary Richard Riley to come to Wisconsin for a tour of several SAGE schools.

And, finally, most recently, I have written to the chairman and ranking member of the Labor and Human Resources Committee requesting that the committee hold a hearing to examine the options available to schools as they plan for smaller class size with higher anticipated student enrollment looming.

A recent Department of Education report states that this year's elementary and secondary student enrollment will soon be at record levels. School districts are going to need to adapt to these increases while many of them rightly will be investing as much as they can in the creation of smaller classes for early elementary students.

Addressing the problem of increasing enrollment and the desire to reduce class size presents a great challenge to our communities, our States and our Nation. As I say that, I want to be very clear that I believe that the American public school system is rooted in the vision of Thomas Jefferson. He saw a future where every child in the Nation could look forward to a thorough public education, comparable in quality but under local control. I want it to be clear that when I speak about small class size as a national goal, it is in the context of local control. So I do not support a national mandate for smaller class size.

I believe that any distribution formula for the funds should give credit to and not penalize those States, such as Wisconsin, which have gotten ahead of this and have invested some resources.

I also believe very firmly that any national funding in this area has to be paid for. It cannot be done on the basis of deficit spending or, in effect, borrowing from Social Security.

But with those qualifications, I reiterate that there is a great national purpose in trying to reduce class sizes for children. Therefore, the Federal Government has a limited but important role in ensuring that the Nation makes the proper investments in students today so that it can meet the challenges of the 21st century.

Mr. President, we should take the necessary steps now to help school districts reduce class size as part of an overall effort to improve education and ensure that our children have the best chance to excel and reach their full potential.

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator FEINGOLD, for his remarks about smaller class size and the importance of education. His remarks are very important, and I associate myself with and support his resolution.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

WELLSTONE AMENDMENT NO. 1679

Mr. WELLSTONE proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

"(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

"(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

"(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

"(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

"(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

"(A) reports prepared by the Comptroller General of the United States;

"(B) samples prepared by the Bureau of the Census;

"(C) surveys funded by the Department;

"(D) studies conducted by the Department;

"(E) studies conducted by States;

"(F) surveys conducted by non-governmental entities;

"(G) administrative data from other Federal agencies; and

"(H) information and materials available from any other appropriate source.".

McCAIN (AND HOLLINGS) AMENDMENT NO. 1680

Mr. McCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 4, before line 1, insert the following:

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

Sec. 3001. Short title.
Sec. 3002. Amendment of title 49, United States Code.

Subtitle A—Highway Safety

Sec. 3101. Highway safety programs.
Sec. 3102. National driver register.
Sec. 3103. Authorizations of appropriations.
Sec. 3104. Motor vehicle pursuit program.
Sec. 3105. Enforcement of window glazing standards for light transmission.

Subtitle B—Hazardous Materials Transportation Reauthorization

Sec. 3201. Findings and purposes; definitions.
Sec. 3202. Handling criteria repeal.
Sec. 3203. Hazmat employee training requirements.
Sec. 3204. Registration.
Sec. 3205. Shipping paper retention.
Sec. 3206. Public sector training curriculum.
Sec. 3207. Planning and training grants.
Sec. 3208. Special permits and exclusions.
Sec. 3209. Administration.
Sec. 3210. Cooperative agreements.
Sec. 3211. Enforcement.
Sec. 3212. Penalties.
Sec. 3213. Preemption.
Sec. 3214. Judicial review.
Sec. 3215. Hazardous material transportation reauthorization.
Sec. 3216. Authorization of appropriations.

Subtitle C—Comprehensive One-Call Notification

Sec. 3301. Findings.
Sec. 3302. Establishment of one-call notification programs.

Subtitle D—Motor Carrier Safety

Sec. 3401. Statement of purposes.
Sec. 3402. Grants to States.
Sec. 3403. Federal share.
Sec. 3404. Authorization of appropriations.
Sec. 3405. Information systems and strategic safety initiatives.
Sec. 3406. Improved flow of driver history pilot program.
Sec. 3407. Motor carrier and driver safety research.
Sec. 3408. Authorization of appropriations.
Sec. 3409. Conforming amendments.
Sec. 3410. Automobile transporter defined.
Sec. 3411. Repeal of review panel; review procedure.
Sec. 3412. Commercial motor vehicle operators.
Sec. 3413. Penalties.
Sec. 3414. International registration plan and international fuel tax agreement.
Sec. 3415. Study of adequacy of parking facilities.
Sec. 3416. Application of regulations.
Sec. 3417. Authority over charter bus transportation.
Sec. 3418. Federal motor carrier safety investigations.
Sec. 3419. Foreign motor carrier safety fitness.
Sec. 3420. Commercial motor vehicle safety advisory committee.
Sec. 3421. Waivers; exemptions; pilot programs.
Sec. 3422. Commercial motor vehicle safety studies.
Sec. 3423. Increased MCSAP participation impact study.
Sec. 3424. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 3425. Waivers for certain farm vehicles.
Sec. 3426. Farm service vehicles.

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

Sec. 3501. Purpose.
Sec. 3502. Amendments to the "wrecking trains" statute.
Sec. 3503. Terrorist attacks against mass transportation.
Sec. 3504. Investigative jurisdiction.
Sec. 3505. Safety considerations in grants or loans to commuter railroads.
Sec. 3506. Railroad accident and incident reporting.
Sec. 3507. Mass transportation buses.

Subtitle F—Sportfishing and Boating Safety

Sec. 3601. Amendment of 1950 Act.
Sec. 3602. Outreach and communications programs.
Sec. 3603. Clean Vessel Act funding.
Sec. 3604. Boating infrastructure.
Sec. 3605. Boat safety funds.

Subtitle G—Miscellaneous

Sec. 3701. Light density rail line pilot projects.

At the end of the bill, add the following:

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Intermodal Transportation Safety Act of 1997".

SEC. 3002. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

Subtitle A—Highway Safety

SEC. 3101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking "section 4007" and inserting "section 4004".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) in paragraph (1)(C), by inserting ", including Indian tribes," after "subdivisions of such State";

(3) in paragraph (1)(C), by striking the period at the end and inserting a semicolon and "and"; and

(4) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended—

(1) by inserting "the apportionment to the Secretary of the Interior shall not be less than ¾ of 1 percent of the total apportionment and" after "except that" in the sixth sentence; and

(2) by striking the seventh sentence.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of title 23, United States Code, is amended to read as follows:

"(i) APPLICATON IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCESS.—Section 402(j) of title 23, United States Code, is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section

takes effect, States shall consider these highly effective programs when developing their highway safety programs.''.

(f) SAFETY INCENTIVE GRANTS.—Section 402 of title 23, United States Code, is amended by striking subsection (k) and inserting the following:

''(k) SAFETY INCENTIVE GRANTS.—

''(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (*l*) or (m) or section 410. A State may qualify for more than 1 grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

''(2) MAINTENANCE OF EFFORT.— No grant may be made to a State under subsection (*l*) or (m) in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

''(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (*l*) or (m) shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (*l*) or (m) shall not exceed—

''(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

''(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

''(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

''(*l*) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for 1 or more of 3 basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

''(1) BASIC GRANT A.—At least 7 of the following:

''(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

''(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol that requires that—

''(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

''(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

''(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

''(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the date on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

''(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

''(D) STOPPING MOTOR VEHICLES.—Either—

''(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

''(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

''(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; and dedicated detention facilities.

''(F) GRADUATED LICENSING SYSTEM.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

''(G) DRIVERS WITH HIGH BAC's.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

''(H) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

''(I) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

''(2) BASIC GRANT B.—Either of the following:

''(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

''(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

''(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

''(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

''(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; or

''(B) .08 BAC PER SE LAW.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

''(3) BASIC GRANT C.—Both of the following:

''(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

''(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

''(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount appropriated to the State for fiscal year 1997 under section 402 of this title.

''(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

''(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

''(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

''(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

''(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State

law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

"(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a 'zebra' stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

"(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 year of age. The Secretary shall determine what penalties are effective.

"(6) DEFINITIONS.—For the purposes of this subsection, the following definitions apply:

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c).

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(D) 'Open alcoholic beverage container' means any bottle, can, or other receptacle—

"(i) that contains any amount of an alcoholic beverage; and

"(ii)(I) that is open or has a broken seal, or

"(II) the contents of which are partially removed.

"(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

"(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

"(A) Demonstrates, to the satisfaction of the Secretary, that it has—

"(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multidisciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

"(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) certification that it has met the provisions outlined in clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under paragraph (1)(A) shall equal $1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under paragraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $250,000, subject to the availability of appropriations. The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

"(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) Submits or updates a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined.

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multiyear plan.

"(C) Reports annually on its progress in implementing the multi-year plan.

"(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $225,000, subject to the availability of appropriations.".

(g) OCCUPANT PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§410. Safety belts and occupant protection program

"The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for 1 or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT OCCUPANTS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(C) CHILD PASSENGER PROTECTION LAW; PUBLIC AWARENESS PROGRAM.—The State has in effect—

"(i) a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and

"(ii) an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible.

"(D) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on

how to reduce the improper use of child restraints systems. The States are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant.

"(E) MINIMUM FINES.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(F) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) BASIC GRANT B.—Both of the following:

"(A) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(3) BASIC GRANT AMOUNT.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(4) OCCUPANT PROTECTION PROGRAM: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplement grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) PENALTY POINTS AGAINST A DRIVER'S LICENSE FOR VIOLATIONS OF CHILD PASSENGER PROTECTION REQUIREMENTS.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) ELIMINATION OF NONMEDICAL EXEMPTIONS TO SAFETY BELT AND CHILD PASSENGER PROTECTION LAWS.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) SAFET BELT USE IN REAR SEATS.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) DEFINITIONS.—As used in this subsection, the term—

"(A) 'child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less;

"(B) 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line;

"(C) 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation;

"(D) 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 4 of that title is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection program.".

(h) DRUGGED DRIVER RESEARCH AND DEMONSTRATION PROGRAM.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving.".

SEC. 3102. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 is amended by adding at the end the following:

"(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

"(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) ACCESS TO REGISTER INFORMATION.—Section 30305(b) is amended by—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.";

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a)".

SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (*l*) and (m) of that section—

(i) $117,858,000 for fiscal year 1998;
(ii) $123,492,000 for fiscal year 1999;
(iii) $126,877,000 for fiscal year 2000;
(iv) $130,355,000 for fiscal year 2001;
(v) $133,759,000 for fiscal year 2002; and
(vi) $141,803,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 403(*l*) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $30,570,000 for fiscal year 1998;
(ii) $28,500,000 for fiscal year 1999;
(iii) $29,273,000 for fiscal year 2000;
(iv) $30,065,000 for fiscal year 2001;
(v) $38,743,000 for fiscal year 2002; and
(vi) $39,815,000 for fiscal year 2003.

Amounts made available to carry out section 402(*l*) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(*l*) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $13,950,000 for fiscal year 1998;

(ii) $14,618,000 for fiscal year 1999;
(iii) $15,012,000 for fiscal year 2000;
(iv) $15,418,000 for fiscal year 2001;
(v) $17,640,000 for fiscal year 2002; and
(vi) $17,706,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (*l*) and (m) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $8,370,000 for fiscal year 1998;
(ii) $8,770,000 for fiscal year 1999;
(iii) $9,007,000 for fiscal year 2000; and
(iv) $9,250,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(2) SECTION 403 HIGHWAY SAFETY AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety under section 403 of title 23, United States Code, there are authorized to be appropriated $60,100,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $61,700,000 for fiscal year 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $1,605,000 for fiscal year 1998;
(B) $1,680,000 for fiscal year 1999;
(C) $1,726,000 for fiscal year 2000;
(D) $1,772,000 for fiscal year 2001;
(E) $1,817,000 for fiscal year 2002; and
(F) $1,872,000 for fiscal year 2003.

SEC. 3104. MOTOR VEHICLE PURSUIT PROGRAM.

(a) MOTOR VEHICLE PURSUIT PROGRAM.—

(1) TRAINING.—Section 403(b)(1) of title 23, United States Code, as amended by section 3101(h), is amended by adding at the end thereof the following:

"(D) Programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers.".

(2) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, the Secretary of Transportation may use such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, United States Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(b) REPORT OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

SEC. 3105. ENFORCEMENT OF WINDOW GLAZING STANDARDS FOR LIGHT TRANSMISSION.

Section 402(a) of title 23, United States Code, is amended by striking "post-accident procedures." and inserting "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.".

Subtitle B—Hazardous Materials Transportation Reauthorization

SEC. 3201. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

"§ 5101. Findings and purposes

"(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

"(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and that approximately 1,000,000 movements of hazardous materials occur each day, according to Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks to life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

"(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner;

"(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce; and

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small businesses have a continuing need for training on compliance with hazardous materials regulations.

"(b) PURPOSES.—The purposes of this chapter are—

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to provide adequate training for public sector emergency response teams to ensure safe responses to hazardous material transportation accidents and incidents.".

(b) DEFINITIONS.—Section 5102 is amended by—

(1) by striking paragraph (1) and inserting the following:

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least 1 employee; and

"(B) performs a function, or uses at least 1 employee, in connection with—

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title." in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation.";

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16), respectively;

(5) by inserting after paragraph (8) the following:

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation."; and

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph (12)(A), as redesignated by paragraph (4) of this subsection, and inserting ", and transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

(c) CLERICAL AMENDMENT.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

"5101. Findings and purposes.".

SEC. 3202. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section.

SEC. 3203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and section 5106, and subsections (a) through (g)(1) and (h) of section 5108(a), and 5109 of this title".

SEC. 3204. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.";

(3) by striking "552(f)" in subsection (f) and inserting "552(b)";

(4) by striking "may" in subsection (g)(1) and inserting "shall"; and

(5) by inserting "or an Indian tribe," in subsection (i)(2)(B) after "State,".

SEC. 3205. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c), the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.".

SEC. 3206. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by striking "DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in" and inserting "UPDATING.—In";

(2) in the first sentence of subsection (a), by striking "develop and";

(3) in subsection (a), by striking the second sentence;

(4) in the first sentence of subsection (b), by striking "developed";

(5) in subparagraphs (A) and (B) of subsection (b)(1), by inserting "or involving an alternative fuel vehicle" after "material"; and

(6) by striking subsection (d) and inserting the following:

"(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.".

SEC. 3207. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

(2) by striking subsection (f) and inserting the following:

"(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the national response team for oil and hazardous substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

(3) by adding at the end thereof the following:

"(*l*) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.".

SEC. 3208. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears; and

(4) in subsection (a)(2), by striking "2" and inserting "4".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits and exclusions.".

SEC. 3209. ADMINISTRATION.

(a) Section 5121 is amended by striking subsections (a), (b), and (c) and redesignating subsections (d) and (e) as subsections (a) and (b), respectively.

(b) Section 5122 is amended by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), and by inserting before subsection (d), as redesignated, the following:

"(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

"(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

"(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

"(2) make the records, reports, and information available when the Secretary requests.

"(c) INSPECTION.—

"(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

"(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

"(B) the transportation of hazardous material in commerce.

"(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.".

SEC. 3210. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 3209(a), is further amended by adding at the end thereof the following:

"(f) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.".

SEC. 3211. ENFORCEMENT.

Section 5122, as amended by section 3209(b), is further amended—

(1) in the first sentence of subsection (a), by inserting "inspect," after "may";

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter."; and

(3) by redesignating subsections (d), (e) and (f) as subsections (f), (g) and (h), and inserting after subsection (c) the following:

"(d) OTHER AUTHORITY.—

"(1) INSPECTION.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(A) open and examine the contents of a package offered for, or in, transportation when—

"(i) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(ii) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(B) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief

that the material may be a hazardous material, and analyze that material;

"(C) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(D) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(2) NOTIFICATION.—No package opened pursuant to this subsection shall continue its transportation until the officer, employee, or agent of the Secretary—

"(A) affixes a label to the package indicating that the package was inspected pursuant to this subsection; and

"(B) notifies the shipper that the package was opened for examination.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

"(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.".

SEC. 3212. PENALTIES.

(a) IN GENERAL.—Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $27,500 for each violation.".

(b) DEGREE OF CULPABILITY.—Section 5123(c)(2) is amended to read as follows:

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

(c) CRIMINAL PENALTY.—Section 5124 is amended to read as follows:

"§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.".

SEC. 3213. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended by inserting ", the purposes of this chapter," after "this chapter" the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990." and inserting "prescribes.".

(c) INDEPENDENT APPLICATION OF PREEMPTION STANDARDS.—Section 5125 is amended by adding at the end thereof the following:

"(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (a), (b)(1), (c), and (g) of this section and section 5119(c)(2) is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.".

SEC. 3214. JUDICIAL REVIEW.

(a) IN GENERAL.—Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

"§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c), a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard ('modal Administrator'), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

"(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

"5127. Judicial review.

"5128. Authorization of appropriations.".

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§ 5128. High risk hazardous material; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 315, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material; motor carrier safety study.

"5129. Authorization of appropriations.".

SEC. 3216. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, and 5116) not more than—

"(1) $15,492,000 for fiscal year 1998;

"(2) $16,000,000 for fiscal year 1999;

"(3) $16,500,000 for fiscal year 2000;

"(4) $17,000,000 for fiscal year 2001;

"(5) $17,500,000 for fiscal year 2002; and

"(6) $18,000,000 for fiscal year 2003."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) TRAINING CURRICULUM.—Not more than $200,000 is available to the Secretary of Transportation from the account established under section 5116(i) for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115.

"(d) PLANNING AND TRAINING.—

"(1) Not more than $2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a).

"(2) Not more than $3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b).

"(3) Not more than $600,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f).".

Subtitle C—Comprehensive One-Call Notification

SEC. 3301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 3302. ESTABLISHMENT OF ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes.
"6102. Definitions.
"6103. Minimum standards for State one-call notification programs.
"6104. Compliance with minimum standards.
"6105. Review of one-call system best practices.
"6106. Grants to States.
"6107. Authorization of appropriations.

"§ 6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§ 6102. Definitions

"For purposes of this chapter:

"(1) ONE-CALL NOTIFICATION SYSTEM.—The term "one-call notification system" means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term "State one-call notification program" means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"§ 6103. Minimum standards for State one-call notification programs

"(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

"(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§ 6104. Compliance with minimum standards

"(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, submit to the Secretary a grant application under subsection (b).

"(b) APPLICATION.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of the State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§ 6105. Review of one-call system best practices

"(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) REPORT.—Within 1 year after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

"(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§ 6106. Grants to States

"(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Intermodal Transportation Safety Act of 1997.

"(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§ 6107. Authorization of appropriations

"(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

"(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

"(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for subtitle III is amended by adding at the end thereof the following:

"61. One-Call Notification Program .... 6101".

(2) Chapter 601 is amended—

(A) by striking "sections 60114 and" in section 60105(a) of that chapter and inserting "section";

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking "60114(c), 60118(a)," in section 60122(a)(1) of that chapter and inserting "60118(a),";

(D) by striking "60114(c) or" in section 60123(a) of that chapter;

(E) by striking "sections 60107 and 60114(b)" in subsections (a) and (b) of section 60125 and inserting "section 60107" in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e), respectively.

Subtitle D—Motor Carrier Safety

SEC. 3401. STATEMENT OF PURPOSES.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

"§ 31100. Purpose

"The purposes of this subchapter are—

"(1) to improve commercial motor vehicle and driver safety;

"(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

"(3) to increase administrative flexibility;

"(4) to improve enforcement activities;

"(5) to invest in activities related to areas of the greatest crash reduction;

"(6) to identify high risk carriers and drivers; and

"(7) to improve information and analysis systems."; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

"31100. Purposes.".

SEC. 3402. GRANTS TO STATES.

(a) PERFORMANCE-BASED GRANTS.—Section 31102 is amended—

(1) in subsection (a), by inserting "improving motor carrier safety and" after "programs for"; and

(2) in the first sentence of subsection (b)(1), by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce".

(b) HAZARDOUS MATERIALS.—Section 31102 is amended—

(1) in subsection (a), by inserting a comma and "hazardous materials transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of subsection (b), by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

"(A) implements performance-based activities by fiscal year 2000;"

(3) by inserting "(1)" in subparagraph (K), as redesignated, after "(c)";

(4) by striking subparagraphs (L), (M), and (N) as redesignated, and inserting the following:

"(L) ensures consistent, effective, and reasonable sanctions;

"(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

"(N) ensures participation in SAFETYNET by all jurisdictions receiving funding;";

(5) in subparagraph (P), as redesignated, by striking "activities—" and inserting "activities in support of national priorities and performance goals including—";

(6) in clause (i) of subparagraph (P), as redesignated, by striking "to remove" and inserting "activities aimed at removing"; and

(7) in clause (ii) of subparagraph (P), as redesignated, by striking "to provide" and inserting "activities aimed at providing".

SEC. 3403. FEDERAL SHARE.

Section 31103 is amended—

(1) by inserting before "The Secretary of Transportation" the following:

"(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—";

(2) by inserting "improve commercial motor vehicle safety and" in the first sentence before "enforce"; and

(3) by adding at the end the following:

"(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).".

SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 31104(a) is amended to read as follows:

"(a) IN GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than—

"(1) $80,000,000 for the fiscal year ending September 30, 1998;

"(2) $100,000,000 for the fiscal year ending September 30, 1999;

"(3) $97,000,000 for the fiscal year ending September 30, 2000;

"(4) $94,000,000 for the fiscal year ending September 30, 2001;

"(5) $90,500,000 for the fiscal year ending September 30, 2002; and

"(6) $90,500,000 for the fiscal year ending September 30, 2003.".

(b) AVAILABILITY AND REALLOCATION.—Section 31104(b)(2) is amended to read as follows:

"(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1).".

(c) ALLOCATION CRITERIA.—Section 31104(f) is amended to read as follows:

"(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

"(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

"(2) The Secretary may designate—

"(A) not less than 5 percent of such amounts for activities and projects of national priority for the improvement of commercial motor vehicle safety; and

"(B) not less than 5 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement activities and projects.

The amounts referred to in subparagraph (B) shall be allocated by the Secretary to State agencies and local governments that use trained and qualified officers and employees in coordination with State motor vehicle safety agencies.".

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

SEC. 3405. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

"§ 31106. Information systems and strategic safety initiatives

"(a) INFORMATION SYSTEMS.—

"(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing accurate identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of Federal and State safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

"(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.—

"(A) The Secretary shall include, as part of the motor carrier safety information network system of the Department of Transportation, an information system, to be called the Performance and Registration Information Systems Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

"(B) The Secretary shall prescribe technical and operational standards to ensure—

"(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

"(ii) uniform Federal and State procedures and policies necessary to operate the Commercial Vehicle Information System; and

"(iii) the availability and reliability of the information to the States and the Secretary from the information system.

"(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

"(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

"(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

"(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

"(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

"(D) Of the amounts available for expenditure under this section, up to 50 percent in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out this paragraph. The Secretary may authorize the operation of the information system by contract, through an agreement with 1 or more States, or by designating, after consultation with the States, a third party that represents the interests of the States. Of the amounts made available to carry out this paragraph, the Secretary is encouraged to direct no less than 80 percent to States that have not previously received financial assistance to develop or implement the Performance and Registration Information Systems Management system.

"(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among employers, the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

"(3) evaluating any aspect of driver performance and safety that the Secretary deems appropriate.

"(c) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.".

SEC. 3406. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

The Secretary of Transportation shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall—

(1) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

SEC. 3407. MOTOR CARRIER AND DRIVER SAFETY RESEARCH.

Of the funds made available to carry out programs established by the amendments made by title II of the Intermodal Surface Transportation Efficiency Act of 1997, no less than $10,000,000 shall be made available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for activities designed to advance commercial motor vehicle and driver safety. Any obligation, contract, cooperative agreement, or support granted under this section in excess of $250,000 shall be awarded on a competitive basis. The Secretary shall submit annually a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the research activities carried out under this section, including the amount, purpose, recipient and nature of each contract, cooperative agreement or award and results of such research activities carried out under this section, including benefits to motor carrier safety.".

SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

Section 31107 is amended to read as follows:

"§ 31107. Authorization of appropriations for information systems and strategic safety initiatives

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106—

"(1) $10,000,000 for fiscal year 1998;

"(2) $12,000,000 for fiscal year 1999;

"(3) $12,000,000 for fiscal year 2000;

"(4) $12,000,000 for fiscal year 2001;

"(5) $10,000,000 for fiscal year 2002; and

"(6) $10,000,000 for fiscal year 2003.

"(b) AVAILABILITY.—The amounts made available under this subsection shall remain available until expended.".

SEC. 3409. CONFORMING AMENDMENTS.

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems and strategic safety initiatives.

"31107. Authorization of appropriations for information systems and strategic safety initiatives.".

SEC. 3410. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.".

SEC. 3411. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.

(a) REPEAL.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) REVIEW PROCEDURE.—

(1) IN GENERAL.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) REVIEW AND DECISIONS BY THE SECRETARY.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) WRITTEN NOTICE OF DECISIONS.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) CONFORMING CHANGES.—

(A) The heading of section 31141 of such title is amended to read as follows:

"§ 31141. Preemption of State laws and regulations".

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations.".

(c) INSPECTION OF VEHICLES.—

(1) Section 31142 is amended—

(A) in subsection (a), by striking "part 393 of title 49, Code of Federal Regulations" and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1), as amended by section 3402(c)(1), is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking "thereunder." in subparagraph (R) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(S) provides that the State will establish a program (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.".

(d) SAFETY FITNESS OF OWNERS AND OPERATORS.—Section 31144 is amended to read as follows:

"§ 31144. Safety fitness of owners and operators

"(a) PROCEDURE.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1); and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) PROHIBITED TRANSPORTATION.—Except as provided in sections 521(b)(5)(A) and 5113, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) RATING REVIEW.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) GOVERNMENT USE PROHIBITED.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS DETERMINATIONS.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the final safety fitness determinations of motor carriers made by the Secretary.

"(f) PENALTIES.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.".

(e) SAFETY FITNESS OF PASSENGER AND HAZARDOUS MATERIAL CARRIERS.—

(1) IN GENERAL.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) PROHIBITED TRANSPORTATION.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.";

(B) by striking "RATING" in the heading of subsection (b) and inserting "FITNESS";

(C) by striking "receiving an unsatisfactory rating" in subsection (b) and inserting "failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and inserting "failed to meet the safety fitness requirements"; and

(E) by striking "RATINGS" in the heading of subsection (d) and inserting "FITNESS DETERMINATIONS";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 5113 of such chapter is amended to read as follows:

"§ 5113. Safety fitness of passenger and hazardous material carriers".

(B) The chapter analysis for chapter 51 is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers.".

(f) DEFINITIONS.—

(1) Section 31101(1) is amended—

(A) in subparagraph (A)—

(i) by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(ii) by striking "10,000" and inserting "10,001";

(B) in subparagraph (B), by striking "driver; or" and inserting "driver, or a smaller number of passengers including the driver as determined under regulations implementing sections 31132(1)(B) or 31301(4)(B)";

(C) in subparagraph (C), by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title".

(2) Section 31132 is amended—

(A) in paragraph (1)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business predominantly engaged in employing commercial motor vehicles in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.".

(g) EMPLOYEE PROTECTIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes as may be necessary to strengthen the enforcement of such employee protection provisions.

(h) INSPECTIONS AND REPORTS.—

(1) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(2) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 3412. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) REPEAL OF OBSOLETE GRANT PROGRAMS.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) COMMERCIAL DRIVER'S LICENSE REQUIREMENT.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

"§ 31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.".

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement.".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;".

(c) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) in subsection (a), by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) in subsection (c), as redesignated—

(A) by inserting after the heading the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(B) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the lefthand margin.

(d) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310 (b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) WITHHOLDING AMOUNTS FOR STATE NONCOMPLIANCE.—Section 31314 is amended—

(1) in subsection (a), by striking ", (2), (5), and (6)" and inserting "(3), and (5)";

(2) in subsections (a) and (b), by striking "1992" each place it appears and inserting "1995";

(3) in subsection (c), by striking paragraph (1);

(4) in subsection (c)(2), by striking "(2)";

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection (d).

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301 is amended—

(1) in paragraph (4)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears; and

(2) in paragraph (4)(C)(ii), by inserting "is" before "transporting" each place it appears and before "not otherwise".

(g) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end the following:

"§ 508. Safety performance history of new drivers; limitation on liability

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2).

"(b) RESTRICTIONS.—

"(1) Subsection (a) does not apply unless—

"(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

"(C) the motor carrier requesting the safety performance records has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability.".

SEC. 3413. PENALTIES.

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) by inserting: "with the exception of reporting and recordkeeping violations," in the first sentence of subparagraph (A) after "under any of those provisions,";

(2) by striking "fix a reasonable time for abatement of the violation," in the third sentence of subparagraph (A);

(3) by striking "(A)" in subparagraph (A); and

(4) by striking subparagraph (B).

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice

and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.";

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

"(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

"(I) does not make that report;

"(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

"(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000.

"(ii) Any such person, or an officer, agent, or employee of that person, who—

"(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

"(II) knowingly files a false report with the Secretary;

"(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

"(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.".

SEC. 3414. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the items relating to sections 31702, 31703, and 31708 in the chapter analysis for that chapter.

SEC. 3415. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct studies to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. Each study shall include an inventory of current facilities serving corridors of the National Highway System, analyze where specific shortages exist or are projected to exist, and propose a specific plan to reduce the shortages. The studies may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry. The studies shall be completed not later than 36 months after the date of enactment of this Act.

SEC. 3416. APPLICATION OF REGULATIONS.

(a) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Section 31135 as redesignated, is amended by adding at the end the following:

"(g) APPLICATION TO CERTAIN VEHICLES.—Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this section shall apply to operators of commercial motor vehicles described in section 31132(1)(B) to the extent that those regulations did not apply to those operators before the day that is 12 months after such date of enactment, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operations of commercial motor vehicles from the application of those regulations.".

(b) DEFINITION.—Section 31301(4)(B) is amended to read as follows:

"(B) is designed or used to transport—

"(i) passengers for compensation, but does not include a vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places; or

"(ii) more than 15 passengers, including the driver, and not used to transport passengers for compensation; or".

(c) APPLICATION OF REGULATIONS TO CERTAIN OPERATORS.—

(1) Chapter 313 is amended by adding at the end the following:

"§ 31318. Application of regulations to certain operators

"Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this chapter shall apply to operators of commercial motor vehicles described in section 31301(4)(B) to the extent that those regulations did not apply to those operators before the day that is 1 year after such date of enactment, except to the extent that the Secretary determines, after notice and opportunity for public comment, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.".

(2) The analysis for chapter 313 is amended by adding at the end the following:

"31318. Application of regulations to certain operators.".

(d) DEADLINE FOR CERTAIN DEFINITIONAL REGULATIONS.—The Secretary shall issue regulations implementing the definition of commercial motor vehicles under section 31132(1)(B) and section 31301(4)(B) of title 49, United States Code, as amended by this Act within 12 months after the date of enactment of this Act.

SEC. 3417. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended—

(1) by striking "route or relating" and inserting "route;"; and

(2) by striking "required." and inserting "required; or to the authority to provide intrastate or interstate charter bus transportation.".

SEC. 3418. FEDERAL MOTOR CARRIER SAFETY INVESTIGATIONS.

The Department of Transportation shall maintain the level of Federal motor carrier safety investigators for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 3419. FOREIGN MOTOR CARRIER SAFETY FITNESS.

(a) IN GENERAL.—No later than 90 days after enactment of this Act, the Secretary of Transportation shall make a determination regarding the willingness and ability of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to meet the safety fitness and other regulatory requirements under this title.

(b) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the application of section 13902(c)(9) of title 49, United States Code. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to certify the safety fitness of those carriers.

SEC. 3420. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation may establish a Commercial Motor Vehicle Safety Advisory Committee to provide advice and recommendations on a range of regulatory issues. The members of the advisory committee shall be appointed by the Secretary from among individuals affected by rulemakings under consideration by the Department of Transportation.

(b) FUNCTION.—The Advisory Committee established under subsection (a) shall provide advice to the Secretary on commercial motor vehicle safety regulations and safety review procedures and findings, and may assist the Secretary in timely completion of ongoing rulemakings by utilizing negotiated rulemaking procedures.

SEC. 3421. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.

(a) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTERS 311 AND 315.—Section 31136(e) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(2) by striking the subsection heading and paragraph (1) and inserting the following:

"(e) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this subchapter or chapter 315; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, waivers, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this subchapter or chapter 315 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this subchapter or chapter 315 to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter or chapter 315.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this subchapter or chapter 315.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this subchapter or chapter 315; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTER 313.—Section 31315 is amended—

(1) by inserting "(a) IN GENERAL.—" before "After notice"; and

(2) by adding at the end the following:

"(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this chapter; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this chapter to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this chapter; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

SEC. 3422. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of the weight limits established by section 127 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary shall enter into cooperative agreements with States described in subsection (a) under which the States participate in the collection of weight-in-motion data necessary to achieve the purpose of the study. If the Secretary determines that additional weight-in-motion sites, on or off the Dwight D. Eisenhower System of Interstate and Defense Highways, are necessary to carry out the study, and requests assistance from the States in choosing appropriate locations, the States shall identify the industries or transportation companies operating within their borders that regularly utilize the 35,000-pound tandem axle.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any related legislative or administrative recommendations. Until the Secretary transmits the report to Congress, the Secretary may not withhold funds under section 104 of title 23, United States Code, from any State for violation of the grandfathered tandem axle weight limits under section 127 of that title.

SEC. 3423. INCREASED MCSAP PARTICIPATION IMPACT STUDY.

(a) IN GENERAL.—If a State that did not receive its full allocation of funding under the Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 agrees to enter into a cooperative agreement with the Secretary to evaluate the safety impact, costs, and benefits of allowing such State to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary of Transportation shall allocate to that State the full amount of funds to which it would otherwise be entitled for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The Secretary may not add conditions to the cooperative agreement other than those directly relating to the accurate and timely collection of inspection and crash data sufficient to ascertain the safety and effectiveness of such State's program.

(b) REQUIREMENTS.—

(1) REPORT.—The State shall submit to the Secretary each year the results of such safety evaluations.

(2) TERMINATION BY SECRETARY.—If the Secretary finds such an agreement not in the public interest based on the results of such evaluations after 2 years of full participation, the Secretary may terminate the agreement entered into under this section.

(c) PROHIBITION OF ADOPTION OF LESSER STANDARDS.—No State may enact or implement motor carrier safety regulations that are determined by the Secretary to be less strict than those in effect as of September 30, 1997.

SEC. 3424. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 is amended by adding at the end the following new subsection:

"(e) EXCEPTION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, regulations promulgated under this section or section 31136 regarding—

"(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles;

"(B) physical testing, reporting, or recordkeeping; and

"(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

SEC. 3425. WAIVERS FOR CERTAIN FARM VEHICLES.

(a) DEFINITIONS.—In this section:

(1) CUSTOM HARVESTING FARM MACHINERY.—The term "custom harvesting farm machinery" includes vehicles used for custom harvesting that—

(A) are classified under subpart F of part 383 of title 49, Code of Federal Regulations, as being included in Group A, B, or C (as those terms are used in section 383.91 of that part); and

(B) are used on a seasonal basis to provide transportation of—

(i) agricultural commodities from field to storage or processing; and

(ii) harvesting machinery and equipment from farm to farm.

(2) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(b) WAIVERS.—In addition to the authority granted to States to waive the application of chapter 313 of title 49, United States Code, with respect to farm vehicles described in 53 Fed. Reg. 37313 through 37316 and farm-related service industries described in 57 Fed. Reg. 13650 through 13654, each State that issues commercial driver's licenses in accordance with chapter 313 of title 49, United States Code, may waive the application of any requirement for obtaining a commercial driver's license for operators of custom harvesting farm machinery or employees of farm-related service industries (or both) that would otherwise apply.

SEC. 3426. FARM SERVICE VEHICLES.

(a) IN GENERAL.—Section 5117(d)(2) is amended—

(1) in the matter preceding subparagraph (A), by striking "do not prohibit";

(2) in subparagraph (A)—

(A) by inserting "do not prohibit" before "or regulate"; and

(B) by striking "or" at the end;

(3) in subparagraph (B)—

(A) by inserting "do not prohibit" before "transportation"; and

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

(4) by adding at the end the following:

"(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from—

"(i) a source of supply to a farm;

"(ii) a farm to another farm;

"(iii) a field to another field on a farm; or

"(iv) a farm back to the source of supply.

In granting any exception under subparagraph (C), a State shall be required to certify to the Secretary that the exception is in the public interest, there is a need for the exception, and the State will monitor the exception and take such measures as are necessary to ensure that safety is not compromised.".

(b) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—Section 5117 is amended by adding at the end the following:

"(f) AGRICULTURAL PRODUCTION MATERIAL DEFINED.—In this section, the term 'agricultural production material' means—

"(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

"(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

"(3) a solution of water and nitrogen fertilizer in a quantity that does not exceed 3,500 gallons.".

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

SEC. 3501. PURPOSE.

The purpose of this subtitle is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 3502. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

"§ 1992. Terrorist attacks against railroads

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables, or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; except that whoever is convicted of any crime prohibited by this subsection shall be—

"(A) imprisoned for not less than 30 years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon" has the meaning given that term in section 930 of this title;

"(3) 'destructive substance" has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'hazardous material' has the meaning given that term in section 5102(2) of title 49, United States Code;

"(6) 'high-level radioactive waste' has the meaning given that term in section 10101(12) of title 42, United States Code;

"(7) 'railroad' has the meaning given that term in section 20102(1) of title 49, United States Code;

"(8) 'railroad carrier' has the meaning given that term in section 20102(2) of title 49, United States Code;

"(9) 'serious bodily injury' has the meaning given that term in section 1365 of this title;

"(10) 'spent nuclear fuel' has the meaning given that term in section 10101(23) of title 42, United States Code; and

"(11) 'State' has the meaning given that term in section 2266 of this title.".

(b) In the analysis of chapter 97 of title 18, United States Code, item "1992" is amended to read as follows:

"1992. Terrorist attacks against railroads.".

SEC. 3503. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1994. Terrorist attacks against mass transportation

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

"(2) places or causes to be placed any destructive substance in, upon, or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any driver or person while that driver or person is employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State

line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'mass transportation' has the meaning given that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) 'serious bodily injury' has the meaning given that term in section 1365 of this title; and

"(7) 'State' has the meaning given that term in section 2266 of this title.".

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

"1994. Terrorist attacks against mass transportation.".

SEC. 3504. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

SEC. 3505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.

Section 5329 is amended by adding at the end the following:

"(c) COMMUTER RAILROAD SAFETY CONSIDERATIONS.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.".

SEC. 3506. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—On a periodic basis, not more frequently than monthly, as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual, or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

SEC. 3507. MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking "the date on which" and all that follows through "1995" and inserting "January 1, 2003".

Subtitle F—Sportfishing and Boating Safety

SEC. 3601. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 3602. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section heading;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1998;

"(2) $6,000,000 for fiscal year 1999;

"(3) $7,000,000 for fiscal year 2000;

"(4) $8,000,000 for fiscal year 2001;

"(5) $10,000,000 for fiscal year 2002; and

"(6) $10,000,000 for fiscal year 2003,

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) in subsection (d), as redesignated, by inserting ", for an outreach and communications program" after "Act";

(4) in subsection (d), as redesignated, by striking "subsections (a) and (b)," and inserting "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace

funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) in subsection (e), as redesignated, by striking "subsections (a), (b), and (c)," and inserting "subsections (a), (b), (c), and (d),".

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12 1/2 percentum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 percentum" in subsection (c) and inserting "15 percent";

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

"(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) CONTENT.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 3603. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to $51,000,000 shall be used as follows:

"(A) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 3604(d) of the Intermodal Transportation Safety Act of 1997; and

"(C) $31,000,000 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2) FISCAL YEARS 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 3604(d) of the Intermodal Transportation Safety Act of 1997; and

"(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraphs (A) and (B) of paragraphs (1) and (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 3604. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 3602, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "public facilities for transient nontrailerable recreational vessels" includes mooring buoys, day-docks, navigational aids, seasonal slips, or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(3) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1998.

SEC. 3605. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "3 years" and inserting "2 years"; and

(2) in paragraph (2), by striking "3-year" and inserting "2-year".

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following:

"Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).''; and

(2) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

"§ 13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations.''.

Subtitle G—Miscellaneous

SEC. 3701. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.

"22301. Light density rail line pilot projects.

"§ 23091. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102 (1) and (2) to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle V is amended by inserting after the item relating to chapter 221 the following new item:

"223. Light Density Rail Line Pilot Projects .....22301.".

KEMPTHORNE AMENDMENT NO. 1681

Mr. KEMPTHORNE proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 40, after line 10, insert the following:

SEC. 3106. IMPROVING AIR BAG SAFETY.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208, Occupant crash protection, 49 CFR 571.208, that requires air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is suspended until either the rule issued under subsection (b) goes into effect or, prior to the effective date of the rule, the Secretary of Transportation, after reporting to the Commerce Committee of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, determines by rule that restoring the test is necessary to accomplish the purposes of subsection (b).

(b) Rulemaking to Improve Air Bags.—

(1) Notice of proposed rulemaking.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve the occupant protection for all occupants provided by Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) Final rule.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraph (1). If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), and advises the Congress of the reasons for this determination, the Secretary may extend the date for issuing the final rule by not more than one year. The Congress may, by joint resolution, grant a further extension of the date for issuing a final rule.

(3) Methods to ensure protection.—Notwithstanding subsection (a) of this section, the rule required by paragraph (2) may include such tests, including tests with dummies of different sizes, as the Secretary determines to be reasonable, and practicable, and appropriate to meet the purposes of paragraph (1).

(4) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2001, and not later than September 1, 2002, and shall become effective not later than September 1, 2005, for all motor vehicles in which air bags are required to be installed. If the Secretary determines that the September 1, 2005, effective date is not practicable to meet the purposes of paragraph (1), the Secretary may extend the effective date for not more than one year. The Congress may, by joint resolution, grant a further extension of the effective date.

(c) REPORT ON AIR BAG IMPROVEMENTS.—Not later than 6 months after the enactment of this section, the Secretary of Transportation shall report to Congress on the development of technology to improve the protection given by air bags and reduce the risks from air bags. To the extent possible, the report shall describe the performance characteristics of advanced air bag devices, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

On page 167, after the matter appearing after line 18, insert the following:

Strike section 1407 of the bill.

In the table of sections for the bill, strike the item relating to section 1407.

Amendment the table of sections for the bill by inserting the following item at the appropriate place:

Sec. 3406. Improving air bag safety.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1682

Mr. LAUTENBERG (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mrs. BOXER, Mr. HELMS, Mr. GLENN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Mr. WELLSTONE, Mr. AKAKA, Mr. DODD, Mr. KERRY, Mr. INOUYE, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. REED, Mr. SMITH of Oregon, Mr. ROCKEFELLER, Mr. THURMOND, and Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 14__. NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or

an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

INHOFE (AND BREAUX) AMENDMENT NO. 1683

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE —OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards;"

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relavent areas. Only data from the monitoring network designated in section 2(a) and other federal reference method monitors shall be considered for such designations. In reviewing the State Implemental Plans the Administrator shall take into account all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) The Governors shall be required to submit designations of nonattainment areas within two years following the July 1997 promulgation of the revised ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designation required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1-3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, March 10, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to examine the current federal crop insurance program and consider improvements to the system.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, March 3, 1998, in open session, to receive testimony on the Department of Defense Science and technology programs in review of the Defense authorization request for fiscal year 1999 and the Future Years Defense Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 3, 1998, to conduct a hearing on S. 1405, the "Financial Regulatory Relief and Economic Efficiency Act (FRREE)."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 3, 1998, at 9:30 a.m. on tobacco legislation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 3, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY1999 for the U.S. Forest Service.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider amendments to S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, Tuesday, March 3, 1998, 9:30 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 3, 1998 at 2:15 pm to hold a Business Meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the senate on Tuesday, March 3, 1998 at 10:00 a.m. in room 216 of the senate hart office building to hold a hearing on "Market Power and Structural Change in the Software Industry."

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

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety, be authorized to meet for a hearing on Global Health: United States Response to Infectious Diseases during the session of the Senate on Tuesday, March 3, 1998, at 9:30 a.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 3, 1998 in closed/open session, to receive testimony on the seapower threat-based force requirement in review of the Defense authorization request for fiscal year 1999 and the future years defense program.

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

ADDITIONAL STATEMENTS

NATO ENLARGEMENT: A HISTORIC BLUNDER

• Mr. MOYNIHAN. Mr. President, in this morning's New York Times, Thomas L. Friedman has written a powerful critique of what he calls "fumbling on NATO expansion." In it he refers to a letter in the spring issue of The National Interest from George F. Kennan who warns that NATO expansion is an historic blunder. Ambassador Kennan's letter came in response to an article by Owen Harries, editor of The National Interest, on "The Dangers of Expansive Realism" in the current, winter issue of The National Interest.

It is surely a rare moment when three respected commentators on foreign affairs, and in Ambassador Kennan's case, a participant of historic standing, each of quite distinctive points of view, come together in such strong agreement. In an article in The New York Times of February 5th, 1997, Ambassador Kennan stated that "expanding NATO would be the most fateful error of American policy in the entire post-cold-war era."

I ask that the column by Thomas L. Friedman, the letter by George F. Kennan, the article by Owen Harries, and the article by Ambassador Kennan in The New York Times be printed in the RECORD.

[From the New York Times, March 3, 1998]

OHIO STATE II

(By Thomas L. Friedman)

Last week the Senate Foreign Relations Committee put on a shameful performance. Senators Jesse Helms, Joe Biden & Co. rolled over like puppies having their bellies rubbed when Clinton officials explained their plans for NATO expansion by dodging all the hard questions. It's too bad CNN couldn't entice the Clinton team to go out to Ohio State again and hold a town meeting on NATO expansion. If they had, it would sound like this:

Student: "I've got a question for Secretary of Defense Cohen. When you were here before, you had a hard time defining what the endgame would be if we bombed Iraq. What's the endgame of NATO expansion? I mean, if we just admit Poland, Hungary and the Czech Republic, all we will be doing is redividing Europe slightly to the east. And if we actually do what you advocate, expand NATO to the Baltic States, up to Russia's border, we will be redividing NATO, since the British, French and Germans are not ready to go that far because they know it would be treated by Russia as a strategic threat."

Secretary Cohen: "Son, we've got our endgame on NATO figured out just like we do on Iraq. It's called kick the can down the road and hope it all works out in the end."

Student: "National security adviser Berger, you now say NATO expansion will only cost $1.5 billion over 10 years, when just last year the Pentagon said it would be $27 billion over 13 years, and the Congressional Budget Office said it could be $125 billion over 15 years. How come NATO expansion gets cheaper every day it gets closer to a Senate vote? And how does it get cheaper when France says it won't pay a dime and the Czech Republic doesn't own a single advanced fighter jet, so it will need to buy a whole new air force?"

Mr. Berger: "Our NATO numbers were prepared by the same accountants who said the U.S. budget was balanced. I rest my case."

Student: "Secretary Albright, you say we have to bomb Iraq, because Saddam has all these weapons of mass destruction. But the Russians have 7,500 long-range nuclear missiles, loose warheads falling off trucks and a bunch of Dr. Strangelove scientists looking for work. And we have a Start 2 nuclear reduction treaty that the Russians have signed but not implemented because of resistance in the Russian Parliament to NATO expansion. How could you put a higher priority on bringing Hungary into NATO than working with Russia on proliferation?"

Albright: "Oh, please. You want to blame everything on NATO expansion, like it's El Niño."

Student: "I'm sorry, Madame Secretary, but that's not an answer. You keep dodging this question. You can say that the Russians can't stop NATO expansion. And you can say that it's worth risking a new cold war to bring these three countries into NATO. But you can't deny that NATO expansion has contributed to Russia's refusal to ratify the Start 2 treaty, which is an enormous loss to U.S. national security."

War veteran: "Secretary Cohen, I thought we fought the cold war to change Russia, not to expand NATO. But now that we've changed Russia and should be consolidating that, you want to expand NATO?"

Secretary Cohen: "NATO expansion is not directed against Russia. It's meant to secure the new democracies in East Europe."

Heckler: "If it's meant to secure democracy in new democracies, isn't the most important new democracy Russia? And why is your P.R. campaign for NATO expansion being funded by U.S. arms sellers, who see NATO expansion as market expansion for their new weapons?"

Student: "I just got the spring issue of The National Interest magazine. It contains a letter from George Kennan, the architect of America's cold-war containment of the Soviet Union and one of our nation's greatest statesmen. Kennan says NATO expansion is a historic blunder. What do you all know that he doesn't?"

Mr. Berger: "I have the greatest respect for Mr. Kennan, but our team has its own Russia expert, Strobe Talbott, who speaks Russian, has written books about Russia, and some of his best friends are Russians. He couldn't possible be anti-Russian, and he's for NATO expansion."

Student: "Excuse me, but didn't Talbott write the first memo to Secretary of State Christopher opposing NATO expansion, because. . . ."

Bernard Shaw: "Sorry to interrupt. We've got to close."

[From the National Interest—Spring 1998]

THE DANGERS OF EXPANSIVE REALISM

I read your article [Owen Harries, "The Dangers of Expansive Realism", Winter 1997/98] with strong approval. It was in some respects a surprise because certain of your major arguments were ones I myself had made, or had wanted to make, but had not expected to see them so well expressed by the pen of anyone else. I can perhaps make this clear by commenting specifically on certain of your points.

First, your reference to the implicit understanding that the West would not take advantage of the Russian strategic and political withdrawal from Eastern Europe is not only warranted, but could have been strengthened. It is my understanding that Gorbachev on more than one occasion was given to understand, in informal talks with senior American and other Western personalities, that if the USSR would accept a united Germany remaining in NATO, the jurisdiction of that alliance would not be moved further eastward. We did not, I am sure, intend to trick the Russians; but the actual determinants of our later behavior—lack of coordination of political with military policy, and the amateurism of later White House diplomacy—would scarcely have been more creditable on our part than a real intention to deceive.

Secondly, I could not associate myself more strongly with what you write about the realist case that sees Russia as an inherently and incorrigibly expansionist country, and suggest that this tendency marks the present Russian regime no less than it did the Russian regimes of the past. We have seen this view reflected time and again, occasionally in even more violent forms, in efforts to justify the recent expansion of NATO's boundaries and further possible expansions of that name. So numerous and extensive have the distortions and misunderstandings on which this view is based been that it would be hard even to list them in a letter of this sort. It grossly oversimplifies and misconstrues must of the history of Russian diplomacy of the czarist period. It ignores the whole great complexity of Russia's part in World War II. It allows and encourages one to forget that the Soviet military advances into Western Europe during the last war took place with our enthusiastic approval, and the political ones of the ensuing period at least wit hour initial consent and support. It usually avoids mention of the Communist period, and attributes to "the Russians" generally all the excesses of the Soviet domination of Eastern Europe in the Cold War period.

Worst of all, it tends to equate, at least by implication, the Russian-Communist dictatorship of recent memory with the present Russian republic—a republic, the product of an amazingly bloodless revolution, which has, for all its many faults, succeeded in carrying on for several years with an elected government, a largely free press and media, without concentration camps or executions, and with a minimum of police brutality. This curious present Russia, we are asked to believe, is obsessed by the same dreams of conquest and oppression of others as were the worst examples, real or imaginative, of its predecessors.

You, I think, were among the first, if not indeed the first, to bring some of the above to the attention of your readers; and this, in my opinion, was an important and valuable service.

GEORGE F. KENNAN,
Princeton, New Jersey.

[From the National Interest—Winter 1997/98]

THE DANGERS OF EXPANSIVE REALISM

(By Owen Harries)

. . . it is sometimes necessary to repeat what all know. All mapmakers should place the Mississippi in the same location and avoid originality. It may be boring, but one has to know where it is. We cannot have the Mississippi flowing toward the Rockies, just for a change.

—Saul Bellow, *Mr. Sammler's Planet*

In many ways NATO is a boring organization. It is a thing of acronyms, jargon, organizational charts, arcane strategic doctrines, and tried rhetoric. But there is no gainsaying that it has a Mississippi-like centrality and importance in American foreign policy. When, then, proposals are made to change it radically—to give it new (and very different) members, new purposes, new ways of conducting business, new non-totalitarian enemies (or, conversely, to dispense altogether with the concept of enemies as a rationale)—it is sensible to pay close attention and to scrutinize carefully and repeatedly the arguments that bolster those proposals. Even at the risk of making NATO boring in new ways, it is important to get things rights.

Before getting down to particular arguments, the proposed expansion of NATO into Central and Eastern Europe should be placed in the wider context that made it an issue. For nearly half a century the United States and its allies fought the Cold War, not, it was always insisted, against Russia and the Russian people, but against the Soviet regime and the ideology it represented. An implicit Western objective in the Cold War was the conversion of Russia from totalitarianism to a more or less normal state, and, if possible, to democracy.

Between 1989 and 1991, a political miracle occurred. The Soviet regime, steeped in blood and obsessed with total control as it had been throughout most of its history, voluntarily gave up its Warsaw Pact empire, collapsed the Soviet system upon itself, and then acquiesced in its own demise—all with virtually no violence. This extraordinary sequence of events was by no means inevitable. Had it so chosen, the regime could have resisted the force of change as it had on previous occasions, thus either extending its life, perhaps for decades more, or going down in a welter of blood and destruction. That, indeed, would have been more normal behavior, for as the English scholar Martin Wight once observed, "Great power status is lost, as it is won, by violence. A Great Power does not die in its bed." What occurred in the case of the Soviet Union was very much the exception.

A necessary condition for its being so was an understanding—explicit according to some, but in any case certainly implicit—that the West would not take strategic and political advantage of what the Soviet Union was allowing to happen to its empire and to itself. Whatever it said now, such a bargain was *assumed by* both sides, for it was evident to all involved that in its absence—if, that is, it had become apparent that the West was intent on exploiting any retreat by Moscow—events would not be allowed to proceed along the liberalizing course that they actually took. Further, there seemed to be basis for the United States objecting to such a bargain. For after all, its avowed objective was not the eastward extension of its own power and influence in Europe, but the restoration of the independence of the countries of the region. In effect, the bargain gave the United States everything it wanted (more, in fact, for the breakup of the Soviet Union had never been a Cold War objective), and in return required it only to refrain from doing what it had never expressed any intention of doing.

Now, and very much at the initiative of the United States, the West is in the process of reneging on that implicit bargain by extending NATO into countries recently vacated by Moscow. It is an ominous step. Whatever is said, however ingenious and vigorous the attempts to obscure the facts or change the subject, NATO is a military alliance, the most powerful in the history of the world, and the United States is the dominant force in that alliance. And whatever is claimed about spreading democracy, making Europe "whole", promoting stability, peacekeeping, and righting past injustices—all formulations that serve, either consciously or inadvertently, to divert attention from the political and strategic reality of what is now occurring—cannot succeed in obscuring the truth that the eastward extension of NATO will represent an unprecedented projection of American power into a sensitive region hitherto beyond its reach. It will constitute a veritable geopolitical revolution. It is not necessary to accept in its entirety the resonant but overwrought dictum of Sir Halford Mackinder ("Who rules East Europe commands the Heartland; Who rules the Heartland commands the World Island; Who rules the World Island commands the World") to recognize the profound strategic implications of what the U.S. Senate is being asked to endorse.[1]

Why is the Clinton administration acting in this way? And—a different question—does it serve American interests that it is doing so, and that its expressed intention is to proceed much further along the same path?

Immediately after the end of the Cold War there was no great enthusiasm either in America or Western Europe for enlarging NATO. In the early days of the Clinton administration, Secretary of State Warren Christopher, Secretary of Defense Les Aspin, and Ambassador-at-Large Strobe Talbott were all opposed to it.

How, then, did it come about that by the beginning of 1994 President Clinton was declaring that "the question is no longer whether NATO will take on new members, but when and how"? It was certainly not by a process of ratiocination, vigorous debate, and the creation of an intellectual consensus concerning interests, purposes, and means. To this day there is no such consensus, and no coherent case for NATO expansion on which all of its principal supporters agree.

HOW ENLARGEMENT HAPPENED

The Clinton administration's conversion from indifference, or even skepticism, to insistence on NATO expansion was the result of a combination of disparate events and pressures:

The strength of the Polish-American vote, as well as that of other Americans of Central and East European origin.

The enormous vested interests—careers, contracts, consultancies, accumulated expertise—represented by the NATO establishment, which now needed a new reason and purpose to justify the organization's continued existence.

[1] When I wrote this, I thought that I was drawing attention to something that was implicit but unacknowledged in the policy of NATO expansion. But in his latest book, Zbigniew Brzezinski directly and honestly links American primacy to "preponderance on the Eurasian continent." In the same chapter he quotes Mackinder's dictum. See *The Grand Chessboard* (New York: Basic Books, 1997), chapter 2.

The "moral" pressure exerted by East European leaders, for whom NATO membership is principally important as a symbol that they are fully European, and as a means of back door entry into the European Union.

Conversely, the growing eagerness of some West European governments to grant these states membership of NATO as an acceptable price for keeping them out of, or at least delaying their entry into, the European Union.

The concern and self-distrust felt by some Germans, and not least by Chancellor Helmut Kohl, at the prospect of their country's being left on the eastern frontier of NATO, adjacent to an area of political weakness and potential instability.

Growing doubts about democracy's prospect of success in Russia, and fear of the reemergence of an assertive nationalism there.

The need of some American conservative intellectuals for a bold foreign policy stroke to "remoralize" their own ranks after some dispiriting domestic defeats, the enthusiasm of others for "a democratic crusade" in Central and Eastern Europe, and the difficulty of yet others to break a lifetime's habit of regarding Moscow as the enemy.

Formidable as this combination of pressures was, it is doubtful that it would have been capable of converting the Clinton administration on NATO expansion were it not for the addition of one other crucial factor: Bosnia. The war in Bosnia focused American attention on post-Cold War Central Europe, and it did so in a most emotional way. Bosnia also raised in acute form the question of the future of NATO, as the alliance's feeble response to the crisis cast doubt on its continued viability, and it raised the question specifically in the context of instability in Central and Eastern Europe. The domino theory, forgotten for two decades, was quickly resurrected and applied. "Bosnia" was increasingly understood not as referring to a discrete event but as a metaphor for the chronic, historically ordained instability of a whole region.

RUSSIA IS RUSSIA IS RUSSIA

Taken together, these pressures were politically formidable, especially for an administration as sensitive to pressure as was Clinton's. But they had very little to do with America's national interests, and the administration's subsequent attempts to make a case for NATO's eastward expansion in terms of those interests have been perfunctory and shallow. A much more serious attempt has been made outside the administration, mainly by commentators of a realist persuasion. The case they have made, however, is badly flawed.

The realist case is based largely on the conviction that Russia is inherently and incorrigibly expansionist, regardless of how and by whom it is governed. Kissinger has warned of "the fateful rhythm of Russian history." Zbigniew Brzezinski emphasizes the centrality in Russia's history of "the imperial impulse" and claims that in post-communist Russia that impulse "remains strong and even appears to be strengthening." Thus Brzezinski sees an "unfortunate continuity" between the Soviet era and today in defining national interests and formulating foreign policy. Another realist, Peter Rodman, speaks in the same vein, explaining the "lengthening shadow of Russian strength" by asserting that "Russia is a force of nature."

In arguing in this way, these commentators are being very true to their realist position. But they are also drawing attention to what is one of the most serious intellectual weaknesses of that position—namely, that in its stress on the structure of the international system and on how states are placed within that system, realism attaches little or no importance to what is going on inside particular states: what kind of regimes are in power, what kind of ideologies prevail, what kind of leadership is provided. For these realists, Russia is Russia is Russia, regardless of whether it is under czarist, communist, or nascent democratic rule.

* * * * *

ENDS AND MEANS

Another of the central tenets of realism is that if the end is willed, so should be the means. The two should be kept in balance, preferably, as Walter Lippmann urged, "with a comfortable surplus of power in reserve." In the case of NATO expansion, this tenet is being ignored. The NATO members are moving to assume very large additional commitments at a time when they have all made substantial cuts to their defense budgets, and when more such cuts are virtually certain. (The French Cabinet, for example, announced in August that the military draft, which dates back two centuries, is to be phased out and that defense procurement expenditure is to be cut by 11 percent.) The irresponsibility of such a course of action raises the question of the seriousness of the new commitments being undertaken. After all, such pledges have been made in the past, only to be broken: Munich, 1938, was the last occasion on which Western powers guaranteed the security of what is today the Czech Republic.

It is not only in terms of power that realists should be concerned with the balancing of ends and means. They should also consider the suitability of the instruments involved—particularly the human instruments—for the tasks at hand. Not to do so is likely to result in the sort of unpleasant surprise that some realist supporters of NATO expansion got as a result of the March 1997 Helsinki summit. At that meeting, so many concessions were made to Moscow by the Clinton administration that we now have an almost lunatic state of affairs: in order to make acceptable the expanding of NATO to contain a potentially dangerous Russia, we are coming close to making Russia an honorary member of NATO, with something approximating veto power.

Some of the initially most ardent supporters of expansion are now deeply dismayed by these developments. But surely the likelihood of such an outcome was foreseeable. After all, they knew from the start that the policy they were pushing would be negotiated not by a Talleyrand or a Metternich—or an Acheson or a Kissinger—but by Bill Clinton, the man who feels everyone's pain. Kissinger has been clear-eyed enough to label what happened at Helsinki a fiasco.

This image of a Europe "made whole" again after the division of the Cold War is one that the advocates of NATO expansion appeal to frequently. But it is not a convincing appeal. For one thing, coming from some mouths it tends to bring to mind Bismarck's comment: "I have always found the word Europe on the lips of those politicians who wanted something from other Powers which they dared not demand in their own name." For another, it invites the question of when exactly was the last time that Europe was "whole." In the 1930s, when the dictators were on the rampage? In the 1920s, when Germany and Russia were virtual nonactors? In 1910, when Europe was an armed camp and a furious arms race was in progress? In the 1860s, when Prussia was creating an empire with "blood and iron"? When exactly? And then there is the simple and undeniable fact that at every step of the way—and regardless of how many tranches of new members are taken in—the line dividing Europe will not be eliminated but simply moved to a different place. Only if Russia itself were to be included would Europe be "whole." Anyone who doubts this should consult an atlas.

One final note: During the last few months advocates of expansion have been resorting more and more to an argument of last resort—one of process, not of substance. It is that the United States is now so far committed that it is too late to turn back. That argument is not without some merit, for prestige does count, and undoubtedly prestige would be lost by a reversal at this stage. But that granted, prestige is not everything. When the alternative is to persist in serious error it may be necessary to sacrifice some prestige early, rather than much more later. To proceed resolutely down a wrong road—especially one that has a slippery slope—is not statesmanship. After all, the last time the argument that is too late to turn back prevailed was exactly thirty years ago, as, without clear purpose, we were advancing deeper and deeper into Vietnam.

[From the New York Times, February 5, 1997]

A FATEFUL ERROR—EXPANDING NATO WOULD BE A REBUFF TO RUSSIAN DEMOCRACY

(By George F. Kennan)

In late 1996, the impression was allowed, or caused, to become prevalent that it had been somehow and somewhere decided to expand NATO up to Russia's borders. This despite the fact that no formal decision can be made before the alliance's next summit meeting in June.

The timing of this revelation—coinciding with the Presidential election and the pursuant changes in responsible personalities in Washington—did not make it easy for the outsider to know how or where to insert a modest word of comment. Nor did the assurance given to the public that the decision, however preliminary, was irrevocable encourage outside opinion.

But something of the highest importance is at stake here. And perhaps it is not too late to advance a view that, I believe, is not only mine alone but is shared by a number of others with extensive and in most instances more recent experience in Russian matters. The view, bluntly stated, is that expanding NATO would be the most fateful error of American policy in the entire post-cold-war era.

Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking. And, last but not least, it might make it much more difficult, if not impossible, to secure the Russian Duma's ratification of the Start II agreement and to achieve further reductions of nuclear weaponry.

It is, of course, unfortunate that Russia should be confronted with such a challenge at a time when its executive power is in a state of high uncertainty and near-paralysis. And it is doubly unfortunate considering the total lack of any necessity for this move. Why, with all the hopeful possibilities engendered by the end of the cold war, should East-West relations become centered on the question of who would be allied with whom

and, by implication, against whom in some fanciful, totally unforeseeable and most improbable future military conflict?

I am aware, of course, that NATO is conducting talks with the Russian authorities in hopes of making the idea of expansion tolerable and palatable to Russia. One can, in the existing circumstances, only wish these efforts success. But anyone who gives serious attention to the Russian press cannot fail to note that neither the public nor the Government is waiting for the proposed expansion to occur before reacting to it.

Russians are little impressed with American assurances that it reflects no hostile intentions. They would see their prestige (always uppermost in the Russian mind) and their security interests as adversely affected. They would, of course, have no choice but to accept expansion as a military fait accompli. But they would continue to regard it as a rebuff by the West and would likely look elsewhere for guarantees of a secure and hopeful future for themselves.

It will obviously not be easy to change a decision already made or tacitly accepted by the alliance's 16 member countries. But there are a few intervening months before the decision is to be made final; perhaps this period can be used to alter the proposed expansion in ways that would mitigate the unhappy effects it is already having on Russian opinion and policy.•

PEACE CORPS DAY

• Mr. COVERDELL. Mr. President, I rise today to acknowledge March 3 as Peace Corps Day, celebrating the 37th anniversary this past Sunday of President Kennedy signing the legislation that created the Peace Corps on March 1, 1961. As a former Director of the Peace Corps I want to pay tribute to that organization as an example of Americans at their best.

Since 1961, more than 150,000 Americans from all across the Nation have served in the Peace Corps in over 132 countries. Today nearly 6,500 volunteers currently serve in the 84 countries, addressing critical development needs on a person-to-person level, helping communities gain access to clean water; grow more food; prevent the spread of AIDS; teach English, math, and science; help entrepreneurs start new businesses; and work to protect the environment.

Peace Corps volunteers have improved the lives of many people abroad during their terms of service. They have rightly earned great respect and admiration for the American people and for American values. But they have also brought the benefits of their experience home and continued to contribute to their own communities and to our nation as volunteers and in leadership positions. Returned Peace Corps volunteers find their experience, their knowledge of other cultures, and the self-assurance they gain stand them in good stead in their own careers. But they also share the benefits of their time in the Peace Corps with many others. We call this the "Domestic Dividend."

To commemorate Peace Corps Day, more than 5,000 current and returned volunteers will go back to school today to speak with students about their overseas experiences, some via satellite or phone, but most in person. This is part of the agency's global education program "World Wise Schools." Today more than 350,000 students in all 50 states will learn about life in communities of the developing world by talking to volunteers who have lived there. For example, Peace Corps Volunteer Amy Medley will get to talk to her pen pals from Walden Middle School in Atlanta, Georgia for the first time. She will be calling from Africa, where she is currently serving as a science teacher in Eritrea.

As we celebrate today, interest in the Peace Corps is growing. In 1997 more than 150,000 individuals contacted the Peace Corps to request information on serving as a volunteer, an increase of more than 40 percent since 1994. In view of this interest and the tremendous success and record of the Peace Corps, President Clinton has called for an expansion of the Peace Corps in his 1999 budget, putting the agency on a path to fielding 10,000 volunteers in the year 2000. This is a request and a goal I strongly support.

Mr. President, for 37 years, the Peace Corps has extended a helping hand to the world and Peace Corps volunteers have demonstrated in countless ways the generosity and dedication to service that is so much a part of the American character. So I will take this opportunity to salute all of our Peace Corps volunteers, past and present, and to thank them for their service. We appreciate all they have done and continue to do and I look forward to seeing the Peace Corps continue its outstanding record of service into the 21st Century. •

COMMEMORATION OF CHIEF A. MARVIN GIBBONS

• Mr. SARBANES. Mr. President, I had the honor of joining with Mrs. Mary Anne Gibbons, a number of firefighters from the State of Maryland, the National Fallen Firefighters Foundation, the United States Fire Administration, and others in dedicating the National Fallen Firefighters Memorial Chapel in commemoration of Chief A. Marvin Gibbons.

As I mentioned in Emmitsburg, Mrs. Gibbons is doing a terrific job in her position as a member of the National Fallen Firefighters Foundation board—carrying on the good work for which we honored her husband—and we are extremely grateful for her continued contributions in this area.

I also made mention during the ceremony of the many accomplishments of the "Big Chief," as Chief Gibbons was affectionately known by his many friends and associates. I wanted to make his legacy a part of the CONGRESSIONAL RECORD because throughout his life, I think he embodied the qualities which make our firefighters heroes, leaders, and role models.

Ever since I grew up, two blocks from the fire house in Salisbury, I have always held a deep and abiding respect for the men and women of the fire service. This is not simply because of the willingness of fire fighters to put their lives on the line every day, but also because they tend to do their jobs with kindness and an infallible commitment to serving the citizens of their communities. Indeed, there are few persons more deserving of our respect and admiration than those who serve as fire fighters and first responders.

I have long felt that Americans do not pause often enough to consider the critical importance of the work that firefighters do—to appreciate their sacrifice and the contribution which they make to our nation. Throughout his life, Chief Gibbons not only personified the best of what it means to be a firefighter and a public servant, but he also showed a strong commitment to ensuring that firefighters receive the recognition they richly deserve.

This past weekend's dedication ceremony was indeed a fitting tribute to Chief Gibbons' 42 years of lasting contributions to the fire service. I want to again touch on one of the contributions he made on a national level which is of particular interest to me. As most who are involved in the fire service know, it was Marvin Gibbons who helped ensure that the National Fallen Firefighters Memorial was located in Emmitsburg, Maryland on the beautiful campus of the National Fire Academy. And it was his vision which led to the unveiling of this monument and the first annual National Memorial Service held at Emmitsburg in 1982.

I was proud to introduce and push to enact the legislation that made the Emmitsburg site the official National Memorial to all firefighters. And in 1990, I spoke at the dedication marking the official recognition of the National Fallen Firefighters Memorial where I recall quoting an editorial from the Carroll County Times entitled "Firefighters Memorial: An Important Reminder." I want to again just quote briefly from it, because I think this editorial reflects what Chief Gibbons was striving to accomplish in establishing the memorial and an annual ceremony in honor of our nation's fallen firefighters:

> We take many aspects of life for granted. Not thinking about a service until we need it is an easy way to think . . . But how often do we consider that at a moment's notice, our fire fighters will risk their lives for us? Until the tragedy of fire or some other emergency strikes, we hardly consider it at all.

Mr. President, behind each name engraved in Emmitsburg is a story—a story of courage, dedication and service to others—and I should mention that we are working to expand the National Memorial site there to ensure

that it continues to serve as a lasting tribute to our firefighters.

The National Fallen Firefighters Foundation is responsible for the National Memorial Service each year so that as a nation we will never forget the sacrifice that these brave men and women make in protecting us every day. With the dedication of the National Fallen Firefighters Memorial Chapel in his memory, we hope to ensure that the legacy of A. Marvin Gibbons and his commitment to the fire service will also never be forgotten.●

COMMENDING PAT SUMMITT ON MAKING THE COVER OF SPORTS ILLUSTRATED

● Mr. THOMPSON. Mr. President, today I wish to take note of a woman of character and accomplishment who has recently been recognized in a unique and public way for her outstanding talent and tireless work. University of Tennessee Lady Vols Basketball Coach Pat Summitt is on the cover of the March 2, 1998 issue of Sports Illustrated, and I can't think of a better choice. On the caption of the cover, it asks what Coach Summitt's place in basketball history might be, and suggests that she is perhaps the greatest college basketball coach of all time. Mr. President, I think that's a pretty accurate assessment.

As I have pointed out with more than a little pride before to the Senate, the Lady Vols have taken home the national championship trophy the last two years in a row, and five years out of the last eleven. Every one of those victories was both hard-fought and well-deserved, and Coach Summitt was always at the helm. In Tennessee, we're all very proud of what she's done, and fans everywhere have come to appreciate just how much of the success of women's basketball is owed to her efforts. She has helped to make women's basketball a major interest of sports fans, and she has helped create a great deal of opportunity for young scholar-athletes.

Coach Summitt has never let "no" stand in the way of getting what she wanted. As the Sports Illustrated article tells it, Pat grew up on a farm where she learned to work hard and stick to a job until it was done—and done right. Later, after a potentially career-ending knee injury, she defied the odds and the predictions of her doctors not only to play again but to join the 1976 Women's Olympic Basketball team as the oldest player, and come home with a Silver Medal.

Her rise is impressive. She was made head coach at age 22 at the University of Tennessee while she was finishing a graduate degree. And she rose to the task, doing more than she had to do in all her jobs. Anybody else might have settled for second best under the workload. Not Pat. She wanted to succeed. Pat didn't just show up for practice and blow the whistle while the players ran laps. She built the women's program from nearly the ground up. She drove the team to and from games, she made sure everyone had uniforms and towels, she swept the floor and she looked after her players' injuries. And she finished her degree. Pat did it all, and her dedication has paid off.

Pat has spoiled us in Tennessee. We're more accustomed than most to winning the big games. But as long as Pat's in charge, and as long as she keeps bringing in the best young players out there and bringing out their potential, I think we can look forward to a long run of great teams, first-rate competition and championship seasons. So I am pleased that Sports Illustrated has acknowledged what so many of us already know. She's on the cover—for anyone involved in athletics, this is one of those moments that you never forget.

Mr. President, we are proud of Coach Pat Summitt in Tennessee. We're honored to see her on the cover of Sports Illustrated. She deserves this recognition and I send along my best wishes to her.●

COMMENDING PRIDE ANTI-DRUG GROUP FOR REPRESENTING U.S. AT UN MEETING

● Mr. COVERDELL. Mr. President, the Atlanta-based National Parents' Resource Institute for Drug Education (PRIDE) recently represented the United States at the World Youth Consultation for a 21st Century Free of Drugs, sponsored by UNESCO and the United Nations Drug Control Program on February 9 in Paris.

Jody Cameron and Gary Lewis, members of the PRIDE staff, joined 21 young people from other nations in drafting a Youth Charter for a 21st Century Free of Drugs that will be presented to the United Nations General Assembly in June. The charter will establish a global network of youth programs for drug abuse prevention.

PRIDE was the only American youth-serving organization invited to attend the meeting at UNESCO headquarters. Cameron and Lewis will also take part in a subsequent meeting in Alberta, Canada in April and at the Special Session on Drugs of the UN General Assembly in New York this summer.

As one who has long worked with the PRIDE organization, I commend them for the recognition of their leadership in the drug use prevention arena that is signified by their participation in these important UN efforts and know that the United States could not ask for more outstanding representation in these venues.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENTS

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge the good work of Dr. and Mrs. Donald Austin, of Grosse Pointe, Michigan. Together, as a team, Dr. and Mrs. Austin have worked on behalf of numerous charitable organizations in Southeastern Michigan for almost thirty years. Dr. Austin, a neurosurgeon, and Mrs. Dale Austin, a civic leader, consistently and selflessly contribute both their time and effort to their surrounding community and to the State of Michigan.

It is with great pleasure that I announce that Dr. and Mrs. Austin are recipients of this year's March of Dimes "Humanitarians of the Year Award." The Austins are being honored with this award as a result of their combined contributions to their community. They will be given their awards at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Dr. and Mrs. Austin.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Mr. Don H. Barden, of Detroit, Michigan, for his strong commitment to causes that benefit the Detroit community. Mr. Barden, a businessman, has guided the Barden Companies Inc. from revenues of $600,000 to over $90 million in 11 years, making it the thirteenth largest black-owned business in the country. In addition, Mr. Barden is active in a variety of civic and business groups.

It is with great pleasure that I announce that he is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Mr. Barden is being honored with this award as a result of his strong commitment to the Detroit community. He will be given his award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Mr. Barden.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Tony Soave, of Grosse Pointe Farms, Michigan for the contributions he has made to the Detroit area, as well as to the State of Michigan. Mr. Soave is the president of Soave Industries. Under his guidance, City Management Corporation, the environmental arm of Soave Enterprises, became the largest independent waste management company in Michigan and an industry leader in environmental practices and community responsibility. City Management Corporation

has contributed greatly to the community by "adopting" schools in Detroit, sponsoring students in co-op education programs and offering scholarships. Tony has also made possible the restoration of economic life to abandoned and underutilized properties.

It is with great pleasure that I announce that he is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Mr. Soave is being honored with this award as a result of his strong commitment to the Detroit community. He will be given his award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to my very good friend Tony Soave.•

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Anne Simons, of Detroit, Michigan for her tireless commitment to countless charitable causes in the Metro-Detroit area. I am very proud, on behalf of the State of Michigan, to recognize her activity in many organizations.

It is with great pleasure that I announce that Ms. Simons is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Ms. Simons is being honored with this award as a result of her strong voluntary commitment to the Detroit community. She will be given her award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Ms. Simons.•

TRIBUTE TO MAYOR ERNEST THOMPSON

• Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Mayor Ernest Thompson who has announced his retirement after 26 years as Mayor of Artesia, New Mexico. I am proud to honor this great New Mexican, who personifies leadership and commitment to public service and to his community.

Mr. Thompson was first elected Mayor of Artesia in 1972 and has served continually for seven terms since then. A lot has changed in Artesia since Mayor Thompson was first elected. He remembers that when he first started, the city had no money for some of the most basic municipal necessities. For example, he remembers that the garbage trucks didn't even have doors.

Mayor Thompson has helped to turn the city around. Under him, the city's equipment has been improved, new construction has been started, and Artesia's economy has flourished. During his tenure, Mayor Thompson has been pivotal in bringing the Federal Law Enforcement Training Center to Artesia, in improving the conditions of the streets and parks and in the creation of Artesia's industrial park, police and fire stations, a retard dam, and many other projects important to the community of Artesia.

Mayor Thompson has not only been an active mayor for Artesia; he has also served in many other leadership roles. He has been a member of the National League of Cities, Southeastern New Mexico Economic Development District, and the New Mexico Municipal League, for which he has served as President, and as well as First and Second Vice President

He is also a tireless contributor to community organizations. He has served as president of the Artesia Rotary Club, the New Mexico Gideons, the Artesia Quarterback Club, and the Parents and Boosters Clubs. He is the Finance Chairman for the First Methodist Church of Artesia and has a 46 year association with the Boy Scouts of America, for which he has served as everything from Cub Master to District Chairman. He is also the recipient of the Boy Scouts' Silver Beaver Award.

Mayor Thompson has been involved in so much as Mayor that we are thankful for, but he would probably say his greatest accomplishment is his marriage of over 55 years to his wife, Grace. Together, they have one son and two grandchildren.

Mr. President, I would like to take this opportunity to personally thank Ernest Thompson for his years of dedication. New Mexico will miss his tireless service and we all wish him and his family the best in the coming years.•

RETIRING ARTESIA MAYOR ERNEST THOMPSON

• Mr. DOMENICI. Mr. President, I rise to pay tribute to a man who is an accomplished public servant and friend—Ernest Thompson, mayor for the City of Artesia, New Mexico. On March 3, Mayor Thompson retires after guiding this southeastern New Mexico community for the past 26 years.

Without any hesitation, it can be said that Artesia, the self-proclaimed "City of Champions," is a better place to live because of Ernest Thompson.

I want to personally thank Mayor Thompson for being a friend and compatriot over the years. He ascended to the mayorship of Artesia in 1972, the same year I was elected to the U.S. Senate. Since then, we have developed a very good personal and working relationship that I believe has been as rewarding to the people of Artesia as it has been to us personally.

Having once been in a mayoral position myself, I recognize Mayor Thompson's 26 years of public service as an example for anyone who wants to be in politics at the local level. His tenure represents a shining example of dedication, persistence, hard work, honesty and integrity.

Like the artesian wells that were once common in the area, Artesians have a certain pride in their community that bubbles to the surface when they look at their past and to the future of their city. They are proud of the steady growth of their quaint town, its schools, and its bedrock values. In many cases, Ernest Thompson has helped foster that pride through his tenacious leadership.

When he leaves office this spring, he will leave to his successor a city with greater economic growth and job opportunities, better roads and infrastructure, and increased services for children and seniors. Through booms and busts over the past quarter century, Ernest Thompson has been a staunch promoter and champion of Artesia, and a stalwart defender for the rights and needs of small towns throughout the country.

Mr. President, let me take a moment to recount some background on my admirable friend, Ernest Thompson.

A native of central Texas, Ernest Thompson moved to Artesia in 1939 to work in the oil and gas industry, which is a major component of the economy in this region. After decades of work and dedication to his family, he retired from his job as a purchasing agent with Navajo Refining Company in Artesia.

Without previous political experience, Thompson was elected mayor of Artesia in 1972, and has maintained a dynamic presence in the community as a member of the Artesia Rotary Club, New Mexico Gideons, Artesia Quarterback Club, and the Parents and Boosters Club. For almost 50 years, he has been actively involved in promoting the Boy Scouts of America in southeast New Mexico.

But I believe his most notable contributions to the public have been as mayor. As Artesia has grown, Ernest Thompson has helped to improve the city as a whole. Since 1972, the city has gained extensive infrastructure improvements including a new wastewater treatment plant, water lines, flood protection structures, and street improvements. Under his administration, the city built a new law enforcement center, an airport terminal, a community center, as well as new fire stations. Artesia's public library and senior center have been expanded and remodeled.

Through it all, Ernest Thompson has worked effectively at state and federal levels to win support for his city. As a member of the Southeast New Mexico Economic Development District, he has toiled to build the area as a whole. A member of the National League of Cities since 1973, Mayor Thompson rallied for towns with fewer than 50,000 residents as president of the Small Cities Advisory Council. He is a member of the League's Finance, Administration, and Intergovernmental Relations Committee.

It is through this work to improve the City of Champions that Mayor Thompson and I have become friends.

I take pride in having played a role in winning for Artesia the Federal Law Enforcement Training Center. I greatly admire city leaders who are innovative in creating opportunities to bring good jobs to their community. Mayor Thompson, with the support of the city counselors, county commission and citizens of Artesia, exhibited such innovation in attracting FLETC to the city in 1989. He greatly helped in my efforts to convince the Treasury Department that Artesia would make an attractive host city for the training facility.

Almost 10 years after we landed FLETC, I am still impressed with the innovation displayed by Mayor Thompson and the community to bring opportunity to the area. Buying the abandoned Artesia Christian College campus and actively working to find a suitable tenant—in this case a FLETC satellite facility—added a new and welcome facet to the area economy.

Taken as a whole, FLETC and other accomplishments will stand as a monument to the 26 years of leadership provided by Mayor Thompson. I will always admire him and his qualities as a leader. I do not say goodbye, but congratulations and thank you. I still look forward to his sage advice and discussions about Artesia, Eddy County, New Mexico and our nation.

Finally, I think it is appropriate to note that while Ernest Thompson was working as Artesia's mayor, he was at the same time a dedicated husband and father. I know his dear wife, Grace, is thankful for his love, dedication and care during personally trying times. Together they are a marvelous couple.

Mr. President, I invite the entire Senate to take note of this tribute to an outstanding local leader as he retires from public office. I ask them to join me and the people of Artesia in expressing gratitude to Mayor Ernest Thompson for all he has done on behalf of others.•

MARKET POWER AND STRUCTURAL CHANGE IN THE SOFTWARE INDUSTRY

• Mrs. BOXER. Mr. President, I would like to comment on the hearing held earlier today by the Senate Judiciary Committee on "Market Power and Structural Change in the Software Industry."

First, I would like to commend Chairman HATCH for holding this important hearing and for his leadership on this issue.

Mr. President, today's creative and innovative software products enable us to bank, conduct research, shop and even trade securities online. And this is just the beginning. It is important therefore, that such a vast and essential resource be allowed to grow and expand in a fair and competitive environment. But recent events had threatened to cast Mr. President, clouds over this most fundamental premise. Let me explain.

On October 20, 1997 Attorney General Reno announced that the Department of Justice would ask a federal judge to order the Microsoft Corporation to cease its practice of forcing manufacturers to sell its internet browser, Internet Explorer, with its widely used operating system, Windows 95. The U.S. District Court here in Washington, D.C. agreed, and on December 11, 1997 ruled that, pending further proceedings, Microsoft could not require purchasers of its operating system software to install its browser software.

In response to the Court's December 1997 ruling, Microsoft offered computer makers three options: (1) a version of Windows which Microsoft believed did not function; (2) a version of Windows which was more than two years out of date and no longer commercially viable; or, (3) Windows 95 bundled with Internet Explorer.

Thanks to the Department of Justice's continuing efforts, however, the storm clouds which had threatened an open and competitive market for internet browser software, now appear to be fading. On January 22, 1998, the Department of Justice and Microsoft reached an agreement in which Microsoft agreed to offer computer manufacturers a version of Windows 95 that contained a fully up-to-date operating system without its Internet Explorer internet browser.

But why should we care about this?

We should care about this because the biggest losers, perhaps, of any anticompetitive action in the internet browser industry will be the millions of everyday people who rely on the Internet. If one company gains such a huge and unfair advantage, other companies will not be able to compete; there will be no choices and innovation will be stifled.

This brings up the issue of "open standards." Open standards on the Internet will allow all access to the Internet without having to rely upon any one company or any one operating platform. Open standards work against monopolies, and ultimately benefit the Internet by increasing competition among software products, resulting in lower prices and a wider selection.

As a Californian, I am concerned about this issue for yet another reason. Cutting-edge software manufacturers from my home state provide tens of thousands of people with high-paying jobs, making software manufacturing one of California's most valued industries. Industry competition is thus vitally important to my state's interest.

I appreciate the integral role the Microsoft Corporation has played and continues to play in the information age—its contributions have been most significant and important. It has made computers and computer applications more accessible to millions of people around the world, and for that, it deserves appropriate recognition and credit. Microsoft has been, and continues to be, the leader in the computer industry. But other, smaller, companies must also be given a chance to compete in the best and oldest of American traditions.

As we move further and further into the information age, the national government must ensure that competition is not eliminated. The Department of Justice should therefore be commended for acting to protect consumers and businesses alike. Similarly, Microsoft deserves credit for agreeing to settle the issue of bundling its operating system software with its internet browser software in what the Department of Justice believed to be a fair and equitable manner. Both made the right call.•

SANCTITY OF THE BALLOT

• Mr. COVERDELL. Mr. President, yesterday's Wall Street Journal lead editorial entitled "Sanctity of the Ballot" should be a wakeup call for America's citizens. Sadly, we can no longer assume public officials tasked with protecting your vote are able to do so. The fact is, passage of the Motor Voter Act has led to growing incidences of election fraud in communities large and small, and the problem is getting worse all the time.

The editorial highlights an important new national organization, the Voting Integrity Project (VIP), which was formed in 1996 in response to the growing abuses highlighted by the Journal. VIP is a non-profit, non-partisan coalition of citizens and civic groups. It organizes and trains citizens to protect the integrity of the vote in their own community. It also investigates and litigates important election fraud cases, including constitutional issues. It is the only independent, national organization performing this important work.

Mr. President, VIP has learned that it is nearly impossible to overturn elections once they have been certified and places its emphasis accordingly, in pro-active programs run by the citizens themselves. Indeed, American voters need to wake up to the harsh reality of today's election process and begin to equip themselves, through organizations such as VIP, to guard the sanctity of their communities' elections and their vote.

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

[From the Wall Street Journal, Mar. 2, 1998]

SANCTITY OF THE BALLOT

In a rush to make it as easy as possible for citizens to exercise their right to vote, the

country has created lax registration and voting procedures that could call into question a close election any number of states. The 1983 federal Motor Voter law requires states to allow people to register to vote when they get a driver's license, even though 47 states don't require proof of legal US residence much less citizenship for such a license. "We have the modern world's sloppiest electoral system," warns political scientist Walter Dean Burnham.

Media and political elites pooh-pooh such concerns, but they are genuine and growing. The House of Representatives has just dismissed an election challenge by former Rep. Bob Dornan of California. But buried in the news that Rep. Loretta Sanchez would keep her seat was the conclusion of a House task force that 748 illegal votes had been cast in an election decided by only 979 votes.

The year long investigation established 624 "documented" cases of non-citizens voting. Another 124 voters cast improper absentee ballots. An additional 196 votes may well have been illegal, but only circumstantial evidence existed. "In the end of the day," says GOP task force member Rep. Robert Ney, "Bob Dornan was right—there were illegal voters." In the Sanchez race they represented close to 1% of all votes cast. The danger is that if this is tolerated, it will only get worse.

In the wake of the Sanchez-Dornan dispute, Rep. Steve Horn, a California Republican, called for a vote on a pilot program to combat fraud in five large states. Local and state officials would be allowed, but not required, to check citizenship records with Social Security and the Immigration and Naturalization Service. If they couldn't verify citizenship, the voter would have to prove his or her status or risk being dropped from the rolls. The program included privacy protections and a requirement that it be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965."

This sensible and sensitive proposal doesn't unduly trample on immigrant rights. Almost half the states already ask for all or part of the Social Security number to register to vote. But Democrats, fresh from Ms. Sanchez's triumph, practically accused Rep. Horn of reinventing the poll tax and literacy tests of the Jim Crow era. "It is a shame, it is a disgrace," said Rep. John Lewis, a veteran of the civil rights movement.

In the end, the bill won a 210–200 majority, but it failed because it was brought to the floor under a rule requiring a two-thirds majority, Rep. Horn hopes to have a vote under normal rules within a month. He points to a growing body of evidence that the potential for vote fraud is growing, noting some in the shadow of the U.S. Capitol itself.

In Washington, D.C. an astonishing one of every six registered voters can't be reached at their address of record. The city has lost 100,000 people since 1980, but registration has shot up to 86% of eligible voters from only 58%. Nationally, the average registration rate is only 66%. Felons, dead people, nonresidents and fictitious registrations clog the rolls in Washington, where anyone can walk up and vote without showing I.D.

Across the Potomac River in Virginia, Robert Beers, the voter registrar of prosperous Fairfax County, says the Motor Voter law has increased the number of registered voters, but turnout has actually fallen in recent elections. "There is no question in my mind that we have registered people who aren't U.S. citizens," Mr. Beers told the Washington Times. "Nobody worries about the rolls until you get to the election that's decided by three votes. I wish they would pay attention to it before it gets to that point." He is backing a state bill to require voters to show some type of photo I.D.

Last month Mississippi's legislature passed a motor voter law, but Governor Kirk Fordice issued a veto because it lacked a voter I.D. provision. "Vote fraud is an equal opportunity election stealer," he says. His concerns about improper registrations are echoed elsewhere. The Miami Herald has found that 105 ballots in last year's disputed mayoral election were cast by felons. Last month a local grand jury concluded that "absentee ballot fraud clearly played an important part in the recent City of Miami elections." This "called into question the legitimacy of the results."

In San Francisco, the Voting Integrity Project has filed suit to overturn a referendum that approved a new stadium. They cite evidence of actions by city and stadium officials to tilt the results toward a pro-stadium vote. The scandal has already been marked by the registrations of the city's election supervisor and Edward DeBartolo, chairman of the San Francisco 49ers.

Everyone supports the right to vote, but an equally important right is the guarantee of elections that are fair and free of fraud. Right now a growing number of states can't guarantee the integrity of their results, and that inevitably will lead to an increasing cynicism and disenchantment with the democratic process.•

NATO EXPANSION AND THE EU

• Mr. MOYNIHAN. Mr. President, today the Senate Foreign Relations Committee has reported the Resolution of Ratification to NATO enlargement. It is appropriate at this time to inform my colleagues of my intention to offer a condition to the Resolution of Ratification when it comes to the Senate for debate linking NATO expansion with economic expansion. I am pleased to be joined in this effort by the senior Senator from Virginia, Senator WARNER.

The former Majority Leader, Howard Baker, Jr., our colleague Sam Nunn, Brent Scowcroft, and Alton Frye recently wrote an article for The New York Times in which they assert that "Linking NATO expansion to the expansion of the European Union would underscore the connection between Europe's security and its economy—and offer certification that entrants to NATO could afford to meet its defense obligations."

It is our contention that Poland, Hungary, and the Czech Republic face no security threats, so strengthening their economies and democratic institutions should be their first priority.

All three of the candidates are eager to join the European Union (EU), which has now decided to begin accession negotiations with them. NATO's decision at Madrid to invite these countries to negotiate for membership preceded the EU offer to negotiate accession. The EU's offer affords the Senate an opportunity to lend support to these countries' bid for EU membership, without accepting any presumption that entry into the EU guarantees admission to NATO.

A provision to link admission to NATO with admission to the EU will encourage expeditious negotiations by the EU, and will allow the three countries to concentrate their full resources on economic modernization, rather than diverting precious resources to military expenditures.

I ask that the text of the condition be printed in the RECORD.

The text of the condition follows:

At the end of section of the resolution (relating to conditions), add the following:

( ) DEFERRAL OF RATIFICATION OF NATO ENLARGEMENT UNTIL ADMISSION OF POLAND, HUNGARY, AND CZECH REPUBLIC TO THE EUROPEAN UNION.—

(A) PROHIBITION.—The President shall not deposit the United States instrument of ratification prior to the latest date by which Poland, Hungary, and the Czech Republic have acceded to membership in the European Union and have each engaged in initial voting participation in an official action of the European Union.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as an expression by the Senate of an intent to accept as a new NATO member any country other than Poland, Hungary, or the Czech Republic if that country becomes a member of the European Union after the date of adoption of this resolution.•

CONGRATULATIONS TO COMMUNITY HOSPITAL AND NURSING HOME OF ANACONDA

• Mr. BURNS. Mr. President, it is my pleasure to congratulate Community Hospital and Nursing Home of Anaconda, Montana, for being listed among the top 100 hospitals in the nation in 1997. The entire staff of Community Hospital, from CEO Sam Allen on down, should be very proud of their hard work and success in caring for the Anaconda community.

This distinction is based on an annual performance measurement including patient care, operations, and financial management conducted by HCIA and William M. Mercer, Inc. The study, 100 Top Hospitals—Benchmarks for Success, looked at 1,300 hospitals with fewer than 99 acute-care beds, and Community was one of 20 that made the Top 100 from that size category.

The performance measures of the Benchmarks for Success are objective—such as risk-adjusted mortality index and expense per adjusted discharge (case mix and wage adjusted)—which means that Community Hospital's success is documented by experts in the field. I know that Community's patients and staff knew this without the performance study, but I point this out because this isn't a typical award. Community has built itself into a national model, and for that I congratulate them.•

ABRAHAM SPEECH ON BUDGET SURPLUS

• Mr. COVERDELL. Mr. President, I rise to share with my colleagues a

speech which I believe provides a number of important ideas and policy positions we should be discussing as we enter the era of budget surpluses.

Because of strong economic growth, the Office of Management and Budget reports that we will begin running a surplus in 2001, and that surplus will total $447 billion by 2005.

In a speech before the Detroit Economic Club on February 17, Senator ABRAHAM sought to start a dialogue on how best we as a nation could approach the upcoming and unaccustomed circumstance of budget surpluses. In my view he offered excellent suggestions on how to save Social Security, provide comprehensive tax reform and invest in infrastructure and human capital, all within the confines of a limited budget surplus.

His specific proposals, limited private investment accounts within the Social Security system, an alternative flat tax and scholarships for low income students entering hi-tech fields, all deserve our attention. It is my hope that they will help spur fruitful debate concerning how we can best approach the new century with continued economic growth, expanding opportunity and confidence in our fellow citizens.

I ask that Senator ABRAHAM's speech be printed in the RECORD immediately following my remarks.

The speech follows.

SURPLUS POLITICS: WHAT CONGRESS SHOULD DO

By Senator Spencer Abraham

Before I begin today, I would like to say a few words about the situation in Iraq. When I last spoke here a year ago, it was under very different circumstances. Today we face an imminent crisis in the Middle East. As you know, it is entirely possible that our troops, including a member of my own staff, may soon find themselves in a combat situation. I know I speak for everyone in this room when I say how proud we are of the young people defending our country, and how much we appreciate all that they have sacrificed already. I also know that I speak for everyone here when I say that I hope and pray that we can settle this crisis through diplomatic means, without putting our troops in harm's way. But if we can't, I know we will all support them in every way possible.

THE ECONOMY

But I came here to talk about a more pleasant subject: our economy. And I think this is a pleasant subject for the simple reason that the news continues to be good. Gross Domestic Product is up 3.7 percent over last year, in real terms, that's up 16.3 percent since 1994. Inflation is down to 1.7 percent, down 27 percent since 1994. Unemployment last year averaged just 4.9 percent, down from 6.1 percent in 1994. Interest Rates are at 30 year lows, and down 20 percent from 1994. Industrial production is up 5.9 percent over last year and 14 percent since 1994. And we finally have managed to pass a balanced budget—one that includes tax cuts for working Americans.

The issue we face today, in my view, is "how can we keep this economic growth going strong into the next century?" And I think we can see the outlines of a workable program right here in Michigan. If we look back to 1990, we can see the progress we have made here in Michigan, as well as how we have made it.

In 1990, Michigan had the highest unemployment rate of any industrial state and a $1.8 billion deficit, on a budget of only $8 billion. Now our state is a thriving, fiscally responsible beacon for free enterprise. Since 1990 Michigan has created well over half a million new jobs, brought unemployment down to well under 4 percent, and produced balanced budgets and even a budget surplus.

How did we get here from there? John Engler became governor, and he cut taxes over 20 times, instituted a program of regulatory reforms lessening the burden of a state government on our job creators, brought spending under control and balanced the state budget.

But Governor Engler knows that you can never simply rest on your laurels, particularly when the goal is continued prosperity. That is why, if the Governor gets his way, we'll cut taxes and regulations further and expand our pro-growth policies into the next century.

On the national level we can't rest on our laurels either. The question is, how can we best build on our recent progress? Because of strong economic growth, for the first time in recent memory we face the prospect of budget surpluses. According to the Office of Management and Budget, we will begin running a surplus in 2001, and that surplus will total $447 billion by 2005.

SURPLUS OPTIONS

Assuming we can maintain the budgetary discipline and economic growth necessary to fully realize it, the question is, what are we going to do with this surplus? Now, just about everyone in Washington, DC has their own answer to this question. They fall into four camps. Some say that we should use it to cut taxes. Others respond that we should use it to pay down the national debt. Still others have called on us to use it to "save Social Security." Finally, a number of people have said that we should use the surplus to invest in social programs, human capital and infrastructure.

Of course, all of these answers sound good—but how we handle the specifics is very crucial.

First let's look at those who say simply "cut taxes." That sounds good. I for one believe that one of the reasons Republicans were put on this Earth was to cut taxes. But how? Do we just continue the recent approach of more targeted tax cuts, as the President suggests? Cut a tax here, create a deduction there?

Last year's tax cut was needed and welcome. But the legislation putting it into effect added or amended over 800 sections in an already complicated tax code. I question whether we should just continue down that path.

Paying down the national debt sounds appealing too. But what does it really mean? Remember, even if we use the entire projected surplus, we would only pay down less than 10 percent of the debt. And don't forget, a significant portion of the debt is held by foreign investors. Does it really make sense to use American taxpayers' dollars to make early debt payments, to foreign investors like the central banks of China, Japan and Germany?

Saving Social Security as the President suggests is a good idea too. But how we might employ a short range surplus to do it is the issue. For example, if we simply dump the budget surplus into the Social Security Trust Fund, it would only extend the life of Social Security for less than 2 years.

Which brings us to the fourth and final option: investing the surplus in social human capital and infrastructure. Again, the question is, what does this mean? Based on the President's speech and the comments of other such advocates in Washington, it means rebuilding the Great Society, restoring many of the welfare programs we reformed and launching new programs which will be impossible to end or reduce at a later date.

As my colleague Chuck Grassley says, it appears that "the era of saying that the era of big government is over, is over."

As I have said, in Washington the debate over these choices has begun. And for the most part the attitude is that they are mutually exclusive. Moreover, because too much of the early thinking takes a "business as usual" approach as described above, rather than a creative and innovative one, we aren't likely to make much progress on any front. To have impact we must think in terms of new ideas and approaches. And, a set of strong pro-growth policies must underlie any strategy for using the surplus.

If we are creative in this sense, I believe it is possible for us to attack the burdensome tax code, the looming Social Security crisis, the human capital and infrastructure challenges we confront, and our gargantuan debt, and make great progress on all fronts.

AN INTEGRATED PROGRAM

I see the doubt on your faces. You're thinking we can't do it all. And I confess to having a few doubts of my own. But, for just a moment, suspend your judgment and consider several possible prescriptions. Today I want to share with you some ideas both as to surplus priorities and as to specific policy concepts, with the hope of starting a dialogue on how we should approach the upcoming era of surpluses, in the best interests of Michigan and the nation.

Let's begin with Social Security. Ladies and gentlemen, if we properly use up to two-thirds of the surplus, we can simultaneously save Social Security and dramatically reduce the federal debt. We do this, not by perpetuating the current system with its paltry 1 to 2 percent return on investment, but by employing the surplus to subsidize the transition to a system that would allow anyone in Social Security who so chooses, to invest up to 2 or 3 percent of their earnings—or ⅓ to ½ of the employee share of their payroll taxes, in a private investment account.

As you know, the Social Security system clearly needs saving. As of now the Congressional Budget Office estimates that it goes broke in 2030. If we do not take action, the taxes needed to finance currently projected Social Security benefits in 2030 would be equal to about 8 percent of Gross Domestic Product—equivalent to doubling all personal income tax rates on working Americans. Moreover, as I've said, simply deploying the surplus to the trust fund would only extend this between one and two years.

How can we prevent such a catastrophe? One way is by using part of the surplus to fund a system of Personal Retirement Accounts modeled on the successful and widely used 401(k) plans. People would have the option of investing ⅓ to ½ of their payroll tax contributions to a Private Retirement Account, rather than to Social Security. The employee would be able to invest the money in stocks, bonds and mutual funds. Even with rules guarding the safety of the investments, the return would be far higher than the current system's 1 to 2 percent. Funds

would accumulate tax free until retirement, when the employee could withdraw the balance. These dollars would then be used to partially offset the trust funds' obligations to participating individuals, by a fraction of the private investment account payout.

Meanwhile, as we give people a payroll tax cut to finance their private investment accounts, we would use an equal amount of surplus dollars to keep the trust fund whole. In this way we would lower the financial pressure on the system over the long term, saving it from insolvency and dramatically reduce if not eliminate the need to raise payroll taxes.

The economy also would benefit. Where Social Security monies now exist only in theory or in government debt instruments, they now would add to the pool of money available for investment and expansion, thus lowering interest rates and spurring growth. And higher growth would further strengthen the Social Security system. What is more, we could keep our eyes on our money.

For those at or nearing retirement, including baby boomers, this strategy would ensure that everyone receives their social security. But for American young people in particular, this would produce a substantial tax cut and greater security for their old age. That security is particularly important since one recent pool shows that more people under 30 believe that they will personally see a flying saucer in their lifetimes than believe they will see a Social Security check.

Under this plan, a married couple with a combined income of $60,000 would get a $1,200 annual tax reduction. By the time this couple retired, after 35 years of consistent investment, even at a relatively low 5.5 percent rate of return, they would have $120,000 in supplemental retirement income.

Well that's a plan for Social Security. Now remember, we have used at most two thirds of the surplus. The next 25 percent we should consider devoting to taxes. But let's not get into another battle over competing tax cuts. Instead, if we are going to employ any of the surplus on taxes, I believe it should be used to finance an overhaul of our antiquated tax system.

As you know, the President has said in his State of the Union address and since, that whatever we do "we shouldn't use any of the surplus for tax cuts." But I find it hard to take him very seriously when in the same speeches, he himself called for major tax cuts and, more importantly, the launching of $125 billion of new, impossible to restrain, spending programs.

So in response to the President I would say this: if the taxpayers are sending over $400 billion more to Washington then even the DC politicians asked for or expected, don't they deserve to have a tax system that's right for the 21st century, instead of the broken, intrusive, complicated one we have today?

Ladies and Gentlemen, we need a tax system that is fairer, simpler, and flatter and an IRS that is under control.

We need this to restore public confidence in the tax system. A recent USA Today poll found that 60 percent of Americans believe the IRS "frequently abuses its powers." Fully 95 percent believe the tax code itself isn't working and must be changed.

If we had an Economic Protection Agency to watch over the economy the way the Environmental Protection Agency watches over the environment, the IRS code would be labeled toxic. IRS forms would come with a warning label: The Economist General of the United States has determined that the Internal Revenue Code is hazardous to America's economic health and could cause financial devastation to your family.

The problem is that we do not have majority support for any one, particular alternative. According to surveys, the most popular alternative is a flat tax, but even that lacks a clear majority. This is true for a number of reasons but, primarily, because many fear that a flat tax might cost them money, due to a loss of deductions and because of concerns about some of the flat tax proposals floating around out there, which would essentially allow many of the most affluent Americans to pay no tax at all.

So, what do we do? Stick with the current broken system? Impose a flat tax or a sales tax on all Americans whether they like it or not?

Well, here's a proposition. Why force a new system on the taxpayers, or force them to live under the old one? Why not give taxpayers a choice? Let's strive to achieve some consensus. Why not give taxpayers the option of sticking with the old system or of choosing something new.

To that end, with a strong plurality of Americans preferring a flat tax, I've been exploring the concept of an Alternative Flat Tax, and I'd like to outline it here today for your consideration.

Rather than simply impose a new tax structure, we would allow people to opt out of the current system and choose a 25% flat tax instead. Applicable to income above a generous—family—based exclusion.

No one would pay more tax under the Alternative Flat Tax than they do under the current system, for the simple reason that no one would be forced to choose the new system.

In addition to the optional feature, the plan would also, of course, possess the usual appeal of a flat tax:

It's simple—it could be computed on a post card, and it would not entail the development of the kind of complicated transitional tax rules that would be required if we mandated that everyone change to a whole new system.

And it's pro growth—driving down the top marginal tax rate on individuals and businesses to 25 percent would give a tremendous boost to incentives to work, save and invest.

Now, let me talk about how we might invest the rest of the surplus. The final ingredients we need to enjoy growth and prosperity in the 21st century are an upgraded infrastructure combined with a well-trained workforce. And the remainder of the surplus is sufficient to achieve just that.

I don't think I have to tell anyone here about the problems we have with our infrastructure. Over half our roads and bridges are in poor shape. That means that we must spend more on transportation. It also means we must stop spending the road dollars of Michigan and 20 other states to subsidize other people's freeways. An investment of about $5 billion of the surplus per year; money that is already in the highway transportation trust fund, will make that happen.

In addition to our transportation infrastructure, we need to look to our human capital. No input is more important to a business than properly skilled workers. And we as a nation are not producing enough highly skilled workers.

A study conducted for the Information Technology Association of America estimates that there are more than 346,000 unfilled positions for highly skilled workers in American companies.

Bureau of Labor Statistics figures project that our economy will produce 100,000 information technology jobs in each of the next 10 years. Meanwhile, our universities will produce less than a quarter that number of information technology graduates.

This is serious, for Michigan and for the nation. Here in Michigan, 24 of every 1,000 private sector workers are employed by high-tech firms. For the nation, the Hudson Institute estimates that the unaddressed shortage of skilled workers throughout our economy will result in a 5 percent drop in the growth rate of GDP. That translates into about $200 billion in lost output, nearly $1,000 for every American.

This problem calls for both a short term and a long term solution.

For the short term, the only immediate source of talent to fill the gap is immigration. But, by this summer American businesses will reach the limit on the small number of highly skilled temporary workers they can currently bring in from abroad. Last year our employers reached this 65,000 cap for the first time in history, and we did it by the end of August. If no action is taken this year, the cap will be reached by February of 1999 and even earlier the following year. This would be disastrous. If American companies cannot find home grown talent, and if they cannot bring talent to this country, some of them will move their operations overseas, taking American jobs with them.

And that is why I am going to use my position as Chairman of the Senate Immigration Subcommittee to propose that we increase the number of higher skilled temporary workers we allow into the United States. This will keep American companies in this country, saving American jobs and contributing to the growth of the economy. It would also give us time to formulate a long-term solution.

In my view, we can produce the talent here in America to meet our skilled labor needs. And that's where the surplus could come in. Through wise investments in human capital we can give kids in this city, and in every other city in America, including kids whose opportunities seem severely limited, the chance to be part of the new high-tech economy.

Our young people have what it takes to be valuable employees in our high-tech age. But our educational system is not giving them the skills they need to succeed. The National Research Council estimates that three quarters of American high school graduates would fail a college freshman math or engineering course. Most don't even try. Only 12 percent of 1994 college graduates earned degrees in technical fields.

This is not acceptable. In a highly advanced economy like ours we cannot continue to function without highly skilled workers. And our workers cannot continue to prosper unless our educational system gives them the skills they need to succeed.

To begin, I propose we invest $1 billion per year, the balance of the surplus, to annually provide at least 100,000 more Americans with scholarships for study in scientific and technical areas. Let's start training unemployed Americans in skills needed in the information technology industry. Combined with approaches to increase parental choice in determining their children's schooling and to move resources out off Washington and back to the school districts, local school boards and parents, I believe that this investment can increase the skill levels of our workers, to everyone's benefit.

A GOLDEN OPPORTUNITY

Well, these are some of the ideas I am considering, one possible blueprint for our entry into the age of surplus.

In closing let me say I believe we have a golden opportunity. As we stand on the edge of a new century, possibilities are opening up for all Americans. We remain the world's richest nation, and we are richer than we have ever been. Now, after decades of overtaxing and overspending, Washington finally has managed to balance the budget and, provided we institute policies that make sense, soon will produce a surplus.

But this opportunity will not be with us forever. If we do not plan out how we should use the impending surplus it will disappear into more "Washington-knows-best" programs that will simply trap more Americans into lives of dependency and desperation.

But if we are creative we can forge a new path. We can move forward, with optimism, secure in the knowledge that our people want opportunity, not handouts, that our economy can continue to produce prosperity, if only we will let it, and that the entrepreneurial spirit remains alive in America.

We can move toward growth and prosperity for the next century if we are willing to use the surplus as a tool to increase savings and investment, to get the Social Security system back on a sound footing through individual choice, to overhaul our tax system, giving greater control over their money back to our taxpayers, and to rebuild the infrastructure and human capital so crucial to our economy.

Responsible, limited government, combined with the spirit of the American people, can lead us into a new century of unprecedented growth and opportunity, in which the American dream can become a reality for everyone fortunate enough to be an American.

I would welcome your input, here and now or in the future, whether regarding these principles or regarding the reforms I have talked about today. I hope that we will have a chance to discuss these issues, which will be so much a part of public debate in Washington in the coming months, and I thank you for having me speak today.•

CONFIRMATION OF RICHARD YOUNG

• Mr. COATS. Mr. President, yesterday the senate voted to confirm Judge Richard Young to be U.S. district judge for the southern district of Indiana. I rise today to express my strong support for the senate's actions. Judge Young has distinguished himself both professionally and in community service, and it is my honor to commend him to the senate as an excellent choice for the federal bench.

Judge Young has earned an outstanding reputation through his eight years as Vanderburgh circuit court judge, and as a trial attorney for 10 years before that. He has broad legal background, both in his job as judge, and in professional organizations. Currently a member of the board of directors of the Indiana judicial conference, Judge Young also is the former president of the Evansville Bar Association. In addition, it is significant to note that Judge Young has worked in the Department of Justice, and has served as a public defender in Vanderburgh county.

During his time as judge, Judge Young has shown himself to be a diligent worker, handling in a recent year 79 jury trials.

However, it is not only Judge Young's extensive experience and excellent work ethic that make me confident he will bring sound, solid hoosier values to the federal bench. Judge Young also has a proven record of dedication to community service. Before he took the bench, Judge Young served on the board of trustees of the museum of arts and science of the community foundation, and the community corrections advisory board. Judge young has also served in the Easter Seals Society and has had a role in supporting the Evansville rehabilitation center.

Clearly, Judge Young is a dedicated practitioner of jurisprudence and dedicated servant of his community. I am confident he will be an excellent judge and a credit to the state of Indiana, and it is for this reason I offer my support of his nomination to the federal bench.•

THE READING EXCELLENCE ACT

• Mr. COVERDELL. Mr. President, over the weekend, President Clinton used his radio address to call for Senate action on the Reading Excellence Act which seeks to address our Nation's literacy crisis. Under the leadership of House Education and Workforce chairman, BILL GOODLING, this bill passed the other body unanimously in November 1997. I have introduced similar legislation in the Senate as S. 1596. The Reading Excellence Act is also a key component of the Senate Republican leadership's education package, the Better Opportunities for Our Kids and Schools Act, or "BOOKS". While I am pleased that the President has urged passage of our legislation, it should be clear to everyone that our approach represents a clear contrast to the literacy initiative the President had initially proposed. Having said that, we welcome President Clinton to real education reform—you've come a long way.

We clearly have a literacy crisis in this Nation when four out of 10 of our third-graders can't read. Without basic reading skills, many of these children will be shut out of the workforce of the 21st century. According to the 1993 National Audit Literacy Survey, more than 40 million Americans cannot read a phone book, menu or the directions on a medicine bottle. Those who can't learn to read are not only less likely to get a good job, they are disproportionately represented in the ranks of the unemployed and the homeless. Consider the fact that 75 percent of unemployed adults, 33 percent of mothers on welfare, 85 percent of juveniles appearing in court and 60 percent of prison inmates are illiterate.

Although over $8 billion is spent by the Federal Government each year to promote literacy, little progress has been made. Last year, President Clinton recognized this problem, but his "America Reads" proposal offered more of the same. Under the President's plan, the government would recruit one million volunteers to teach reading, under the direction of AmeriCorps. Rather than relying on a million untrained volunteers to teach reading to our young children, we offered a better approach which the President has now endorsed: Let's help our reading teachers do a better job. Our legislation, the Reading Excellence Act, would accomplish the following:

First, our bill would focus on training teachers to teach reading—less than 10 percent of our teachers have received formal instruction on how to teach reading. Moreover, we would ensure that teachers are taught in methods proven by sound scientific research to be effective, such as phonics.

Second, the Reading Excellence Act authorizes grants for extra tutorial assistance for at-risk kids. Parents with children experiencing reading difficulties could apply for funds to purchase extra help from a list of providers supplied by their school.

Third, our bill provides literacy assistance for parents so they can be their children's first and most important teacher. It also ensures that 95% of the literacy funds are driven to the classroom where they will help kids the most.

In last year's appropriations process, $210 million was appropriated for a literacy program, contingent on passage of an authorization bill by July 1, 1998. As I stated, the House has already unanimously passed this bill. It is now up to the Senate to act on similar legislation before the schools let out for summer. The Reading Excellence Act will provide today's children the tools to be successful in tomorrow's workforce. Helping to ensure every child can read is one of the best jobs skills, welfare initiatives or crime bills we can pass this Congress.•

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–92, appoints the following individuals as participants in the 1998 National Summit on Retirement Income Savings:

Wayne Angell of Kansas, Terry Atkinson of New York, John Bachmann of Missouri, Richard Billings of Iowa, Jay W. Bixby of Maryland, Ken Blackwell of Ohio, Jon A. Boscia of Indiana, Donald J. Butt of Colorado, Paula Calimafde of Maryland, Marshall N. Carter of Massachusetts.

Nelson Civello of Minnesota, Jerry Dattel of Louisiana, Charles Elliott of Mississippi, Bill Eubanks of Mississippi, Gary Fethke of Iowa, David Fisher of California, Lynn Franzoi of

California, William J. Goldbert of Texas, Joe Grano of New York, Thomas J. Healey of New York.

Melissa Hieger of Massachusetts, David R. Hubers of Minnesota, Marlynne Ingram of Iowa, Rich Jackson of Idaho, William M. Lyons of Missouri, Joe Malone of Massachusetts, Nancy J. Mayer of Rhode Island, Ron E. Merolli of Vermont, Dan Mitchell of Washington, D.C., James A. Mitchell of Minnesota.

Byron D. Oliver of Connecticut, Aubrey Patterson of Mississippi, Henry M. Paulson, Jr. of New York, Susan Phillips of Washington, D.C., Michael E. Pietzsch of Arizona, Kenneth Porter of Delaware, Richard L. Prey of Iowa, Curt Pringle of California, Ronald W. Readmond of Maryland, Frank Ready of Mississippi.

Elaine D. Rosen of Maine, Heather Ruth of New York, Linda Savitsky of Connecticut, John L. Steffens of New Jersey, Thomas C. Walker of Iowa, Brad Walsh of Mississippi, Carolyn L. Weaver of Washington, D.C., Milton Wells of Virginia, James Wordsworth of Virginia, James W. Ziglar of Washington, D.C.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the Democratic Leader, pursuant to Public Law 105–134, his appointment of Donald R. Sweitzer, of Virginia, to serve as a member of the Amtrak Reform Council.

ORDERS FOR WEDNESDAY, MARCH 4, 1998

Mr. CHAFEE. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Wednesday, March 4; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of amendment No. 1682, offered by Senator LAUTENBERG, to S. 1173, the ISTEA legislation as under the previous order.

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

PROGRAM

Mr. CHAFEE. Tomorrow, the Senate will resume consideration of S. 1173, the ISTEA legislation. Under the consent agreement, the Senate will conclude 1 hour of debate on the Lautenberg amendment regarding drinking levels, with time equally divided, with a vote occurring on or in relation to the Lautenberg amendment at approximately 10:30 a.m. Therefore, Members should be prepared for the first rollcall vote tomorrow at 10:30.

Following that vote, the Senate will continue to consider amendments to the ISTEA legislation. I hope at least two of the major amendments to this legislation can be offered and debated during Wednesday's session of the Senate. Members should therefore anticipate a busy voting day tomorrow. I certainly hope it will be a busy voting day tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Wednesday, March 4, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 3, 1998:

UNITED STATES INTERNATIONAL TRADE COMMISSION

THELMA J. ASKEY, OF TENNESSEE, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 2000, VICE PETER S. WATSON, RESIGNED.

JENNIFER ANNE HILLMAN, OF INDIANA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2006, VICE DON E. NEWQUIST, TERM EXPIRED.

STEPHEN KOPLAN, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2005, VICE JANET A. NUZUM, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FREDERICK H. FORSTER, [redacted].

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (MC) AND JUDGE ADVOCATE GENERAL CORPS (JA), AS INDICATED, AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, 531, AND 3064:

To be colonel

FREDERICK P. HAMMERSEN, [redacted]
RONALD L. PERRY, [redacted]

To be lieutenant colonel

DOUGLAS E. JUDD, [redacted]
JAMES M. KITARHARA, [redacted]
MARTHA K. LENHART, [redacted] MC)
DOUGLAS J. LITAVEC, [redacted]
BRUCE A. PEEBLES, [redacted]
ALAN S. VANNORMAN, [redacted] MC)

To be major

WILLIAMS W. MCQUADE, [redacted] JA)
*DONALD C. RIVERS, [redacted]
EUGENE E. STEC, [redacted]
THOMAS M. WALTON, [redacted]

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS IN THE UNITED STATES COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

WILLIAM J. SHELTON, [redacted]

To be lieutenant

JONATHAN C. BURTON, [redacted]
KELLY A. BOODELL, [redacted]
TROY K. TAIRA, [redacted]
ELISA P. HOLLAND, [redacted]
BRIAN T. MCTAGUE, [redacted]
STEPHEN P. MCCLEARY, [redacted]
FRANK D. WAKEFIELD, [redacted]
TERRENCE M. JOHNS, [redacted]
JOHN R. MILLER, [redacted]
DAVID F. BERLINER, [redacted]
MICHAEL R. WASHBURN, [redacted]
JAMES W. NELSON, [redacted]
STUART E. DUTTON, [redacted]
MICHAEL G. SARAMOSING, [redacted]
HERBERT L. OERTLI, [redacted]
DWAYNE A. BERRY, [redacted]
RANDY D. SUNDBERG, [redacted]
KEVIN B. WILSON, [redacted]
JAMES W. MITCHELL, III, [redacted]
SCOTT R. LINSKY, [redacted]
ANN H. BRYANT, [redacted]
KATHERINE A. HOWARD, [redacted]
BRAD J. KIESERMAN, [redacted]
RICHARD J. GAY, [redacted]
JOHN HALL, [redacted]
BRIAN C. FINNEY, [redacted]
LYNN S. SLETTO, [redacted]
TRACEY COOPER, [redacted]
PATRICK S. REILLY, [redacted]
STEVEN D. WHITEHEAD, [redacted]
THOMAS D. TARRANTS, [redacted]
DEBORAH K. DARMINIO, [redacted]
JOHN H. WHITTEMORE, [redacted]
ANDREW B. CHENEY, [redacted]
KENNETH M. MOSER, [redacted]
JOSEPH P. MCANDREWS II, [redacted]
LINDSAY R. DEW, [redacted]
FRANK J. KULHAWICK, [redacted]
GERALD S. FRYE, [redacted]
KEVIN M. JONES, [redacted]
SHANE D. MONTOYA, [redacted]
CHRISTOPHER H. ZORMAN, [redacted]
JOHN J. DRISCOLL, [redacted]
CALEB B. PAGE, [redacted]
TAY S. VOYE, [redacted]
BRIAN M. MCCORMICK, [redacted]
BLAKE E. WELBORN, [redacted]
MICHAEL S. ZIDIK, [redacted]
RICHARD E. BATSON, [redacted]
THOMAS J. STUHLREYER, [redacted]
DERRICK T. MASTERS, [redacted]
RYAN K. GRIFFIN, [redacted]
NEVADA A. SMITH, [redacted]
CHARLES D. MILLER, [redacted]
KAREN R. GROSS, [redacted]
LAWRENCE K. ELLIS, [redacted]
MICHAEL M. BALDING, [redacted]
NEIL A. WILSON, [redacted]
THOMAS S. MORKAN, [redacted]
MICHAEL J. PUTLOCK, [redacted]
KIMBER L. BANNAN, [redacted]
JEFFREY S. SMITH, [redacted]

To be lieutenant (junior grade)

ANNA A. STEWART, [redacted]
HOLLY L. BROWN, [redacted]
CHRISTOPHER T. WOODLE, [redacted]
JONATHAN S. SPANER, [redacted]
HEATHER M. KOSTECKI, [redacted]
CHARLES V. DARR IV, [redacted]
JAMES E. DUNNE, JR., [redacted]
CHRISTOPHER S. WEBB, [redacted]
PHILIP R. PRATHER, [redacted]
JAVIER A. DELGADO, [redacted]
DEREK M. DOSTIE, [redacted]
TIMOTHY J. WHALEN, [redacted]
STEVEN B. LOWE, [redacted]
WARREN W. WEEDON, [redacted]
JEANNE A. REINCKE, [redacted]
MATTHEW L. SEEBALD, [redacted]
DWAYNE M. MORRIS, [redacted]
PAUL M. GILL, [redacted]
FRANK W. KLUCZNIK, [redacted]
WILLIAM T. JEFFRIES, [redacted]
WILLIAM B. MORGAN, [redacted]
WILLIAM G. LEDDY, JR., [redacted]
JAMES F. SHINN, [redacted]
RICHARD W. SINGLEY, [redacted]
ERNEST W. GILPIN, [redacted]
BESSIE V. HOWARD, [redacted]
JUSTIN H. WARD, [redacted]
DANILO L. SANTOS, JR., [redacted]
JOSEPH P. HUMBERT, [redacted]
ALLISON L. HILL, [redacted]
ROBERT L. DECOOPMAN, [redacted]
STEVEN P. SIMPSON, [redacted]
RICHARD J. SCHULTZ, [redacted]
STACIE L. FAIN, [redacted]
THOMAS S. MEYER, [redacted]
ALBERT F. ANTARAN, [redacted]
SHALAKO M. BRADLEY, [redacted]
BRADLEY P. HOMAN, [redacted]
GEORGE E. KOVATCH, [redacted]
DAVID R. VALADEZ III, [redacted]
CARISSA S. CONNER, [redacted]
MITCHELL N. POORE, [redacted]
LINDA A. STURGIS, [redacted]
ERIC J. DOUCETTE, [redacted]
ADRIAN L. WEST, [redacted]
TRAVIS L. CARTER, [redacted]
ULYSSES S. MULLINS, [redacted]
KRISTI M. LUTTRELL, [redacted]
DWIGHT E. COLLINS, [redacted]
KEVIN L. IVEY, [redacted]
JAMES D. HALL, JR., [redacted]
OTILIO RAMOS, JR., [redacted]
JOHN F. BUCKLEY, [redacted]
MARK C. HICKMAN, [redacted]

MARTIN G. SARCH, x...
SUSAN POLIZZOTTO, x...
JULIA DIAZREX, x...
DEREK A. DORAZIO, x...
ROSS L. SARGENT, x...
WILLIAM M. KELLEHER, x...
STEPHEN J. ALVAREZ, x...
AMY E. KOVAC, x...
MICHAEL ANTONELLIS, x...
FRED MEADOWS, x...
THOMAS M. EMERICK, x...
ALLEN V. BALOUGH, x...
JACQUELINE M. TWOMEY, x...
BRIAN P. KEFFER, x...
CALEB B. HALSTEAD, x...
OWEN L. GIBBONS III, x...
CHRISTOPHER J. BUTTON, x...
ANDREW W. ERIKS, x...
KELLY M. LARSON, x...
MARTIN L. SMITH, x...
STEVEN A. WHEELER, x...
JERRY W. DAVENPOST, x...
JOHN L. HARTLINE, x...
TODD R. LIGHTLE, x...
JEFFREY S. HARRY, x...
JUAN MERCADO, x...
DAVID K. SMITH, x...
TROY D. LANICH, x...
SAMUEL D. FORBES, x...
JOHN L. PRIEBE III, x...
BRENDEN J. KETTNER, x...
RICHARD W. HANCOCK, JR., x...
RUSSELL S. SLOANE, x...
DAVID D. GEFELL, x...
YURI V. GRAVES, x...
ANN S. GILLEN, x...
KARRIE C. TREBBE, xx...
LUCINDA CUNNINGHAM, x...
ANDREA D. CHAMPAGNIE, x...
JOHN V. REINERT, x...
ROBERT B. VILLACRES, x...
CAROL M. MCALLISTER, x...
KEITH O. PELLETIER, x...

HOUSE OF REPRESENTATIVES—*Tuesday, March 3, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SNOWBARGER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 3, 1998.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for 5 minutes.

SUPPORT H.R. 856, THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. ROMERO-BARCELÓ. Mr. Speaker, yesterday, March 2, was a celebratory date for all Americans. The Jones Act, introduced by the gentleman from Virginia, was enacted on that date in the year 1917, and Puerto Ricans were granted statutory citizenship of the United States. For 81 years, the U.S. citizens of Puerto Rico have been denied the most fundamental rights of American citizenship, the right to vote for the President and the right to voting representation in the House and in the Senate.

Since we began our work in Congress in 1993, everyone here has been aware of my struggle for political equality and my frustrations as a nonvoting Member of the U.S. House of Representatives in trying to achieve equal rights for the 3.8 million U.S. citizens of the Territory of Puerto Rico.

The Children's Health Care Initiative is a perfect example of this struggle. As finally passed, the children in Puerto Rico, all of whom are U.S. citizens, will receive one-seventh of what they would receive if they had been treated as children in a State. It is a matter of serious concern that the health of the American children of Puerto Rico was not considered of equal value within the Nation. Modifications are now being proposed, but we encounter similar struggles every day that confirm that Puerto Ricans are disenfranchised second-class U.S. citizens.

Yet, Puerto Ricans have been model U.S. citizens. Our men and women have valiantly and willingly served in every one of our Nation's armed conflicts since World War I to defend American democratic values.

It is now time for Congress to take action to bring to these 3.8 million citizens political, economic, and social equality. The mechanism to achieve this is within our reach. H.R. 856, also known as the United States-Puerto Rico Political Status Act, represents this mechanism to grant the people of Puerto Rico one of their basic rights, the right to self-determination.

This bill provides for the celebration of the first-ever congressionally sanctioned referendum in this century, allowing Puerto Ricans to choose between two decolonizing formulas, separate sovereignty and statehood, or to remain in the current territorial status. It is an opportunity to end the colonial status of 3.8 million of our U.S. citizens through the democratic exercise of self-determination.

The right to self-determination has been earned by the U.S. citizens of Puerto Rico as a result of their faithful commitment to the Nation. Over 340,000 Puerto Ricans have served in the Armed Forces, many giving their lives in defense of American democracy wherever they were needed in the world.

If the Congress refuses to grant this right to their own disenfranchised citizens, our Nation's image as the symbol of liberty and democracy in the world would be severely tarnished.

There are some people, however, interested in derailing this bill by referring to it as a statehood bill and spreading fear on what they believe are the negative consequences of statehood. I want to set the record straight.

The bill provides the people of Puerto Rico the right to express their political choice by selecting between the three status options. H.R. 856 is not an enabling act that offers the territory instant admission as a State, as some are trying to portray.

These messengers of ignorance contend that statehood will be the fatal for the Federal budget due to the additional funding that would be required, yet fail to mention the positive effect that taxes paid by individuals and companies in Puerto Rico would have in that same budget.

If we were a State now, we would pay $4.5 billion in taxes, and the additional benefits to Puerto Rico would be $3.1 billion; in other words, a net revenue of $1.4 billion to the U.S. Treasury.

In a similarly intimidating fashion they try to raise havoc with the linguistic issue by arguing that there is no room for a Spanish-speaking State, failing to mention, once again, that the official languages of the Government of Puerto Rico and the languages of instruction in school are both Spanish and English. You need to consider that these are merely excuses to prevent the Congress from doing the right thing.

Congress is facing an unprecedented opportunity to end the inequality and disenfranchisement of the U.S. citizens of Puerto Rico by enabling them the exercise of the most fundamental right of all democracies, self-determination, a right that the United States has defended as a Nation throughout the world. It would, indeed, be a national shame if this right were not extended to its own citizens.

We must reject the ignorant, fear-inspired movement to stop the democratic process and deny self-determination to Puerto Rico. As the world's leader, one of the main objectives of U.S. foreign policy has been to promote and defend democracy and self-determination around the world. It might be a good idea to begin applying our policies to our own citizens seeking this right.

I am asking for your support when H.R. 856 reaches the House floor. The U.S. citizens of Puerto Rico and every American committed to freedom, democracy, and justice will be grateful. It is the right thing to do.

CONGRATULATIONS TO TARA LIPINSKY, OLYMPIC GOLD MEDAL WINNER

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

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate Tara Lipinsky on her outstanding accomplishment on behalf of the United States of America, winning as she did

the Olympic gold in women's figure skating at Nagano.

Ms. Lipinsky, the youngest person to ever win a gold medal in an individual event in winter Olympics history, has made all America proud with her wonderful performances. The grace and elegance that Tara Lipinsky brings to her skating is invigorating, and the drive and determination that she has exercised to develop her talent sets a shining example for all of us.

Ms. Lipinsky, along with fellow Olympians Todd Eldredge, Jerod Swallow, Elizabeth Punsalan, Jessica Joseph and Charles Butler, all Olympians, all trained at the Detroit Skating Club in Bloomfield Hills, Michigan. As the Member of Congress with the great honor to represent Michigan's 11th Congressional District, which by the way includes Bloomfield Hills, it is also my home, I would like to take this opportunity to also congratulate the coaches, the family members, and everyone else that was involved that make the Detroit Skating Club one of the best training facilities for ice skaters in the world.

Mr. Speaker, Tara Lipinsky's victory has touched hearts around the world and made the citizens of my district and across the country extremely proud. We owe all our Olympic athletes a hearty well done and congratulations.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week one of my colleagues came to the House floor and said that the planning for the 2000 census was done in secret. I am here today to put the facts on the table so that the American people can decide for themselves. Designing the 2000 census has been one of the most public processes in the history of the census.

Dr. Barbara Bryant, the director of the Census Bureau for President George Bush, began the process in 1991 shortly after the conclusion of the 1990 census. She took over the Census Bureau less than 4 months before the 1990 census began, and she knew that it could be improved. The results from the 1990 census reinforced that decision.

In partnership with Congress, Dr. Bryant began the process that resulted in the census design we are debating today. To achieve a better census design, Congress turned to the National Academy of Sciences.

The gentleman from Kentucky (Mr. ROGERS) testified before the House Subcommittee on the Census in 1991 and said there is a need for "an independent review of the census that is fundamental in nature, a back-to-basics, zero-based study that begins with no preconceived notions about what we collect or how we collect it. For that reason, I have pursued the idea of having the National Academy of Sciences conduct such a review. The Academy is credible, experienced, and more importantly, independent. Plus, I have been satisfied they can pull together a panel of fine minds, capable of blending fresh policy viewpoints with an understanding of statistical methods."

In 1992 Congress passed H.R. 3280, "a bill to provide for a study to be conducted by the National Academy of Sciences on how the government can improve the decennial census of population, and on related matters." That study laid out the blueprint for the 2000 census.

It has been alleged that there has been no congressional involvement in planning the census. But how can that be, when the design for the census is based on a study mandated by Congress? In addition, between 1991 and 1994 there were 15 House and Senate hearings on the 2000 census.

If there has been any neglect, it has been since 1995 when Congress abolished the Subcommittee on the Census. In 1995, 1996 and 1997 there were only 4 hearings on the 2000 census.

My colleagues have suggested that there has been no public involvement in designing the census. Again, I would like to have the facts speak for themselves. In 1992 the Secretary of Commerce established an Advisory Committee on the 2000 Census made up of nearly 50 organizations. I would like to put a list of those organizations into the RECORD.

The list referred to follows:

The National Governors Association, the American Association of State Highway and Transportation Officials, the American Statistical Association, the Association of State and Territorial Health Officials, the Business Roundtable, the Council of Chief State School Officers, the Federation for American Immigration Reform, the National Association of Counties, the National Association of Secretaries of State, the National Association of Towns and Townships, and the U.S. Chamber of Commerce.

Mr. Speaker, these organizations met over 20 times since 1992 and each meeting has been open to the public.

The activities of public involvement were not just here in Washington. The director of the Census Bureau and the Under Secretary for Economic Statistics at the Department of Commerce have gone to scores of cities and held town meetings to get public involvement. At each of these town meetings they have solicited public input on the plans that they have put before the public for conducting a fair and accurate census for 2000.

My colleagues have criticized the administration for developing a census designed by the experts. I wonder why they would want a census designed by amateurs.

The facts are that developing the design for the 2000 census has been one of the most public processes in the history of the census. The process has included major constituent groups, Congress and the public. The design for the census has been endorsed by experts and nonexperts alike.

It is very simple. In 1990 the census had an error rate of over 10 percent. Those who oppose a more accurate census want to go back to the way it was done in 1990, even if it costs more, because they believe that the errors in the census work to their advantage. The administration has put forward a plan to reduce the errors in the census and make it more fair and accurate.

The choice is simple. Do we move into the 21st century with a census that uses modern, scientific methods to count absolutely everyone? Or do we do it the old way and pay more to get a census that has millions of errors in it? I say we follow the plan of Dr. Bryant and the National Academy of Sciences.

ORGANIZATIONS THAT SUPPORT SAMPLING

American Jewish Committee, National Association of Counties, American Statistical Association, U.S. Conference of Mayors, Council of Professional Associations on Federal Statistics, Children's Defense Fund, Arab American Anti-Discrimination League, American Sociological Association, National League of Cities, and Cuban American National Council, Inc.

National Association of Business Economists, Japanese American Citizens League, Association of University Business and Economic Research, National Asian Pacific American Legal Consortium, Association of Public Data Users, Americans for Democratic Action, National Community Action Foundation, Asian Pacific American Labor Alliance, Consortium of Social Science Associations, and AFL–CIO.

Labor Council for Latin American Advancement, Leadership Conference on Civil Rights, League of United Latin American Citizens, Mexican American Legal Defense and Education Fund, NAACP, National Council of La Raza, National Urban League, Organization of Chinese Americans, Teachers of English to Speakers of Other Languages, California Rural League Assistance, and American Association of State Highway and Transportation Officials.

□ 1245

STATEHOOD FOR PUERTO RICO

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

Mr. DUNCAN. Mr. Speaker, I rise today to speak on the question of whether Puerto Rico will become our 51st State. Last year I was the only member of the Committee on Resources who voted against this bill on the final committee vote. I did not speak against this bill at the time or

try to get anyone else to vote against it, primarily due to my great respect for and friendship with Chairman Young, the primary sponsor. Chairman Young and I agree on almost all issues, particularly on the need to open up a very small portion of Alaska to further oil production.

After I cast this lone dissenting vote, I was asked to visit Puerto Rico by its government and some of its leading citizens, and in an attempt to be as fair as possible, I went there for a weekend visit 8 or 9 months ago. While there, I met some of the nicest people I have met anyplace in this world. I was greatly impressed with the beauty of the island and the great progress that is being made toward freedom and a strong economy and away from the shackles of socialism.

I was impressed with the close ties and favorable feelings most Puerto Ricans have with and for the United States. I was told that Puerto Rico had sent more soldiers and sailors to the U.S. military than any other State per capita, and I really appreciate this.

I had never thought much about this before I went there, but Puerto Rico is closer to Washington, D.C., and the Southeastern United States than are some of our Western States. I believe that Puerto Rico is fast on its way to becoming an island paradise. Some of it already is.

Puerto Rico has a great future, if it continues moving even further toward a free market economy and lower taxes. The island is in a strategic location and could be a valuable asset to us militarily.

However, in spite of all the many good things there are about Puerto Rico and its people, I do not believe Puerto Rico should become a State at this time. First and foremost to me, the American people do not support this expansion. In every poll or survey, the people of my district hold opinions almost identical to the national average. I have not received even one phone call, comment, letter or postcard in favor of this from my district. Every local contact has been against this. This is very important to me.

Second, according to the Congressional Research Service, Tennessee would potentially be one of six or seven States to lose a House Member if Puerto Rico becomes a State. This would not have much effect on me because most of the growth in our State has been in and around Knoxville and Nashville, so my district will be about the same or even possibly shrink in size for the foreseeable future. However, it would definitely hurt our State if we lose the equivalent of 11 percent of our House delegation.

Third, the GAO and others have estimated this could cost American taxpayers $3 to 5 billion a year in added costs to the Federal Government. We are not in nearly as strong a shape economically as some people think with the stock market at record levels. Also in about 8 to 10 years when the baby-boomers begin retiring, we are about to face some of the greatest costs we have ever seen in the history of this country. With national debt of $5.5 trillion right now and a debt almost quadruple that when you figure in future pension liabilities, we really cannot afford to do this until Puerto Rico strengthens its economy significantly.

Fourth, when I went to Israel 3 or 4 years ago, our group met, among many others, with the woman who headed Israeli immigration. She told us they gave all immigrants to Israel up to 2 years of intensive language training if they needed it because Israel felt that it was very important to have a common, unifying national language.

It is fine with me if everyone in this country learns Spanish or some other second language, but I think all U.S. citizens need to be truly, honestly fluent in English. We need a unifying national language. Look at the problems Canada has now with many in French-speaking Quebec wanting to split Canada in the middle. English is and should be our national language, even if some do not like it.

I am told that a little over 20 percent of the people in Puerto Rico are fluent in English. I believe Puerto Rico should greatly emphasize the English language training if they want to become a part of our Union.

Fifth and finally, some say only a little over half of Puerto Ricans want to become a State of the United States if they are given a truly free choice with fair definitions. I do not believe we should add any State unless an extremely high percentage, at least 75 percent or even more, want to become citizens. We certainly do not need to add a State where almost half of the people do not want it.

Puerto Rico should vote first. They can hold a referendum without our permission. The Congress should not take a vote that as a practical matter we cannot get out of unless, and until we have a truly fair, accurate assessment of how many Puerto Ricans really want this.

For all of these reasons, Mr. Speaker, I believe we should maintain our present friendly, close relationship with Puerto Rico as a U.S. Territory.

PEACE CORPS DAY 1998

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

Mr. FARR of California. Mr. Speaker, it has been 35 years since I joined the American Peace Corps, and I rise today to celebrate this month and this very day, the 37th anniversary of the Peace Corps.

It was started on March 1, 1961, when President Kennedy signed legislation passed by this Congress creating the Peace Corps.

Today there are more than 150,000 returned volunteers in the United States, five of whom serve in the House of Representatives and two in the United States Senate.

Today, because of the anniversary of the Peace Corps, there are more than 6,000 returned volunteers that are presently, as I speak, working in schools throughout the United States to bring a program called World Wise Schools. They bring the cross-cultural awareness of these countries that they served in to the school children of America.

I just participated in a program like that downtown at the Peace Corps headquarters, where we had life interaction with students from South Africa, that was being taught by an American Peace Corps volunteer from Washington, D.C.

Today there are 84 countries in the world that have invited the Peace Corps to be in them. There are 6,500 volunteers that are now serving overseas. They are addressing the critical development needs on a person-to-person basis, helping spread and gain access to clean water; to grow more food; to help prevent the spread of AIDS; to teach English, math and science; to help entrepreneurs start new businesses; and to work with nongovernmental organizations to protect our environment.

In fact, the demand for Peace Corps far exceeds the supply. For my conservative friends on the other side of the aisle, I wanted you to recall that the President has asked for expansion of the Peace Corps in his address to the Congress here just last month. In his 1999 budget request, he wants to put 10,000 volunteers, up about 35,000 more volunteers, serving overseas by the year 2000. The demand for their service is there, the supply is not, and the only thing that stands between that is the United States Congress and its ability to appropriate the funds. I encourage my colleagues to do so.

The proposed expansion of the Peace Corps comes at a time when the interest in serving as a volunteer is particularly high. Last year, more than 150,000 Americans contacted the Peace Corps to request information on serving as volunteers, an increase of more than 40 percent since 1994.

The value of the volunteers and their experience is not restricted to overseas service. I can testify that the best service that is given to the Peace Corps is the domestic dividend that we all bring when we come home.

I urge all of those Members of Congress that they ought to think someday even when they retire, that Peace Corps has no limit to the age that one can enter. Remember President

Carter's mother who entered the Peace Corps in her elderly years. I encourage on this 37th anniversary of the Peace Corps that we all be proud of what was created here in the House of Representatives and what has served its country well, the United States Peace Corps.

A TRIBUTE TO CONGRESSMAN GARNER E. SHRIVER

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

Mr. TIAHRT. Mr. Speaker, today I come to the floor of the House both to commemorate and honor the life of a former Member of this distinguished body, Garner E. Shriver. Garner died this past Sunday, March 1, at age 85.

Both my wife Vickie and I were deeply saddened when we learned of Garner's death. Over the past couple years, Garner had become a personal friend and someone whom I admired greatly. I speak for the entire Kansas delegation in Congress when I say our thoughts and prayers are with Garner's wife, Martha Jane, and their three children, Kay, David and Linda.

Born on July 6, 1912, in Towanda, Kansas, Garner's family later moved to Wichita in 1925, where he attended public schools and graduated from East High School.

Garner stayed in Wichita to receive his undergraduate degree from the University of Wichita, now Wichita State University, in 1934. Today his Congressional papers, amounting to over 180,000 items, are kept at the Wichita State Ablah Library.

In 1940, Garner graduated from Washburn Law School in Topeka, Kansas. Garner put himself through both undergraduate and law school by working odd jobs, including serving as a doorman.

In 1941 Garner married his wife of now 56 years, the former Martha Jane Currier. However, before Martha and Garner had a chance to begin raising a family, World War II pulled Garner away from home for 3 years. He enlisted in the Navy, but after only 10 months he received a commission as Lieutenant, leaving the Navy after 3 years as an officer. During his tour in the Navy, Garner commanded a boat group in the Pacific by the end of the war.

Not long after the war ended, Garner made his first attempt at elected office. His wife Martha Jane recently recounted the story in the Wichita Eagle of how Garner first got into politics. She noted that "he figured he didn't have anything to lose," so in 1946, Garner ran for the Kansas House of Representatives. She continued, "When we went to bed that election night, we didn't know anything about elections. We woke up the next morning to find out he had won by 222 votes."

So began the long and distinguished career of a great Kansas politician. After serving only 2 terms in the Kansas House, Garner set his sights higher and was elected to the Kansas State Senate, where he served two terms.

During his 12 years of service in the Kansas legislature, Garner championed many worthwhile causes, including education for handicapped and retarded children, getting and keeping reckless drivers off the highways, creating the State Park Authority, important flood control legislation, and setting up the 4-H livestock show.

In 1960, Garner left State politics to run for Congress. Winning what was characterized as a very spirited race, Garner became the new representative of the 4th Congressional District. At that time the district included Sedgwick and 14 other counties and was considered to be heavily democratic.

Garner went on to win 8 consecutive races before losing in a narrow defeat, 3,200 votes, in 1976, to former Congressman and now Secretary of Agriculture Dan Glickman.

During his 16 years in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our Nation's veterans, and landmark civil rights legislation. Garner served on the committee that drafted the the Civil Rights Act of 1964. His family is very proud of the fact that they have one of the pens LBJ used to sign the historic legislation into law.

Elected in the same class as fellow Kansan Bob Dole, Garner quickly became a close friend and political confidant of Senator Dole. Upon learning of Garner's death, Senator Dole stated that "Garner was one of my closest political friends when we served together in Congress. I, like many others, learned a lot from Garner, who was known as a quiet and effective legislator, and someone who kept his word. He was an exemplary husband and father."

While Garner worked on various issues of national concern during his time, Garner spent a lot of his time taking care of the direct needs and concerns of his constituents back in Kansas. As a senior member of the powerful House Appropriations Committee, Garner was in a unique position to protect the vital interests of both the 4th Congressional District and the State of Kansas.

When Garner left Congress in 1977, he was ranking member of the Appropriations Foreign Operations Subcommittee and the third ranking Republican on the full committee. In that important capacity, Garner was able to make sure Kansas was never overlooked during the Federal budget process.

On a more personal level, I want to express my heartfelt thanks again to Garner for his advice and counsel upon my appointment to the Appropriations Committee after my reelection last year. Before my appointment last year, 20 years had passed since a Kansan had served on the important committee in either the House or Senate. Seeking to understand the first thing about the Appropriations Committee and how it operated, I was fortunate to be able to receive the sage counsel of Garner on the ins and outs of this committee.

After leaving Congress in 1977, Garner returned home to Wichita, Kansas, where he resumed the practice of law and spent the rest of his life alongside his lovely and dedicated wife, Martha Jane. Today, it is only appropriate that we remember and celebrate the life and accomplishments of Garner E. Shriver.

Garner Shriver will be missed, not only by his family, but by me and a lot of other Kansans, Kansans who considered him a friend, an American hero, who lived his life with courage, character and integrity.

So long, Garner. May God bless your soul and your family.

Mr. Speaker, I include for the record a copy of a letter to Mrs. Martha Jane Shriver signed by the entire Kansas delegation.

U.S. CONGRESS,
Washington, DC, March 2, 1998.

Mrs. MARTHA JANE SHRIVER,
Wichita, Kansas.

DEAR MRS. SHRIVER: We were deeply saddened when we learned of Garner's death yesterday morning. We want you and your three children, Kay, David and Linda to know that our thoughts and prayers are with you during this difficult time. We wish we could be with you this Wednesday for Garner's funeral. However, Congress will be in session that day. Representative Tiahrt has reserved time on the floor of the House of Representatives for this Tuesday, March 3, to allow us the opportunity to commemorate the distinguished life of Garner.

During the nearly 30 years of elected public office the name of Garner Shriver became synonymous with Wichita and south-central Kansas. Indeed, Monday's headline in the Wichita Eagle obituary for Garner summed it up well: Garner Shriver was a political giant. While most of us were too young to remember back 50 years ago when Garner began his political career, everyone can be proud of the many accomplishments he achieved during the 12 years he served in the Kansas Legislature and the 16 years he served in the United States Congress.

Elected to Congress in 1960, Garner quickly became a close friend and advisor to another famous Kansan—fellow classmate Bob Dole. During his tenure in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our nations veterans, and the 1964 Civil Rights Act. Additionally, Garner effectively combined his political prowess and position on the powerful House Appropriations Committee to make sure Kansas was never overlooked during the federal budget process. And while championing the rights of the average taxpayer, Garner was often heard complaining that members spent "too much of taxpayers' money on junketeering and increased staff."

In addition to being a loyal husband, Garner was a caring and loving father, an honored public servant and a personal friend to

thousands of Kansans who, like us, will miss his wit and personal charm. Finally, we wish to recognize, as was noted in his obituary, that Garner viewed public service as a mandate for living a Christian life. We pray that the Lord gives us the same grace he provided Garner during his distinguished public career.

If there is anything we can do to help you during this difficult time, please do not hesitate to call.

Sincerely,

SAM BROWNBACK,
PAT ROBERTS,
U.S. Senate.
TODD TIAHRT,
JERRY MORAN,
JIM RYUN,
VINCE SNOWBARGER,
Members of Congress.

Mr. MORAN of Kansas. Mr. Speaker, I join my colleagues today in honoring the memory of former Kansas Congressman Garner Shriver who was sadly taken from us this week. Garner Shriver will always be remembered as one of Kansas' most effective and revered public servants.

Garner served his country as an enlisted man and as an officer in the U.S. Navy during World War II. Upon his return, he served 12 years in the Kansas Legislature and was later elected to serve 8 consecutive terms in the U.S. House of Representatives.

Here in the House of Representatives he quickly became known as a tireless advocate for our nation's veterans and as a thorough legislator who made sure Kansas was never overlooked in needed federal appropriations.

A quiet, thoughtful man, Garner viewed his public service as a Christian duty. In the process, he achieved great legislative successes benefiting both our nation and his home state of Kansas.

Garner Shriver was a skilled political leader who helped shape the attitudes of an entire generation of young Kansans. It is to his credit, that those of us who have gathered here today on the floor of the U.S. House of Representatives to pay tribute to him were among them.

Our thoughts and prayers go out to his wife, Martha Jane, and their three children, Kay, David, and Linda. Garner Shriver has left a void that will surely be hard to fill.

GENERAL LEAVE

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to the late Honorable Garner E. Shriver.

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

There was no objection.

□ 1300

CONGRESS HAS AN HISTORIC OPPORTUNITY TO IMPROVE THE QUALITY OF OUR NATION'S EDUCATION

(Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. MILLER) is recognized during morning hour debates for 1 minute.)

Mr. MILLER of California. Mr. Speaker, this year the Congress has an historic opportunity to improve the quality of our Nation's education. Teachers are the foundation of our entire educational system, but right now we have a serious problem with the way we prepare and deploy teachers. One in four high school teachers does not even have a college minor in the subject they teach. In high poverty schools, the figure is one in two.

Last week it was reported that U.S. students performed poorly in math and science compared to students in other countries. It is no coincidence that many of these students' teachers have no math or science background. The Committee on Education and the Workforce is about to mark up legislation to upgrade teacher preparation and to attract talented individuals to the profession of teaching.

I will offer my own legislation, H.R. 2228, which would provide for the forgiveness of student loans to qualified entry-level teachers, increase professional development of new teachers, strengthen the standards for federally-supported teacher programs, and require schools to inform parents about the qualifications of their child's teacher.

I support reducing classroom size by hiring more teachers, but when it comes to teachers, more is not enough. I urge my colleagues to support H.R. 2228.

ELIMINATE THE MARRIAGE TAX PENALTY NOW

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

Mr. WELLER. Mr. Speaker, today I rise to explain why enactment of the Marriage Tax Elimination Act is so important with a series of questions: Do Americans feel that it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples suffer a tax penalty of $1,400 more in taxes just because they are married? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

The answer is pretty clear. Not only is the marriage tax penalty unfair, but it is wrong that our Tax Code punishes a married working couple with two incomes with higher taxes than an identical couple that chooses to live together outside of marriage. Twenty-one million married working couples suffer an average marriage tax penalty of $1,400 more in higher taxes just because they are married.

Some would say, why does that happen? Under our current Tax Code, a married working couple with two incomes usually files jointly. When they do, their combined income pushes them into a higher tax bracket.

Let me give an example here of a south suburban couple. I represent the south side of Chicago, the south suburbs in Illinois, as well as a lot of bedroom communities and rural areas. Let me give an example of a couple that lives in Joliet. Say you have a machinist who is working at the Joliet Caterpillar Manufacturing Plant, where they make heavy industrial equipment like bulldozers and cranes and earth movers. This machinist is making $30,500 a year in average income. If he is single, after standard deductions and exemptions, he is in the 15 percent tax bracket, being taxed at the 15 percent rate.

Say he meets a gal and she is a public school teacher in the Joliet public schools. She has an identical income. This machinist who works the caterpillar and this Joliet public school teacher decide to get married. She has an income of $30,500 as well. When you combine their income when they file jointly, it produces a $1,400 average marriage tax penalty. Is that fair, just because this machinist at Caterpillar and this Joliet public school teacher decide to get married, that they should pay higher taxes just because they are married?

I think it is wrong that our Tax Code punishes this machinist and this school teacher. I believe we should make it a priority to eliminate the marriage tax penalty. If we think about it, in Joliet Illinois, in the district I am proud to represent, for this machinist and public schoolteacher, $1,400 is a lot of money. That is one year's tuition at Joliet Junior College, it is 3 months of day care at a local day care center, it is several months' worth of car payments and a significant portion of a down payment on a new home.

The Marriage Tax Elimination Act, which now has 235 cosponsors, would eliminate the marriage tax penalty and eliminate it now, because we would give married working couples with two incomes the power of choice to choose to file as two singles or jointly, whichever is to their financial advantage.

The bottom line is, each individual, this machinist and this schoolteacher, under the Marriage Tax Elimination Act, would be able to enjoy the lower tax rate and would be at the 15 percent rate, allowing them to keep that $1,400.

There are a number of ideas out there for tax relief this year. President Clinton talks about the need for child care. In fact, he talks about expanding the current child care tax credit. Let us compare what that means. Under the President's child care tax credit, which only families with children with incomes less than $50,000 would qualify for, the President's plan would provide

$358 in extra take-home pay at the end of the year for the average couple that would qualify.

The Marriage Tax Elimination Act, as an alternative to the President's plan, would actually provide $1,400. If we think about that, at a Joliet day care center for this machinist and schoolteacher living in Joliet, that is 3 weeks worth of day care under the President's proposal or 3 months' worth of day care under the Marriage Tax Elimination Act. The question is, which is better, 3 weeks under the President's plan, or 3 months under elimination of the Marriage Tax Penalty Act?

The bottom line is we should be working to eliminate the marriage tax penalty. It is wrong that our Tax Code punishes marriage with higher taxes. We should make it the centerpiece of our budget discussions. I am pretty proud that this Congress, our new majority, which has been in place for 3 years, has provided more tax relief for middle-class families than any Congress in recent history.

In 1996 we, of course, provided for the adoption tax credit to help families provide a loving home for children. In 1997 we provided a $500-per-child tax credit, which for Illinois families, for 3 million Illinois kids, would allow $1.5 billion in higher take-home pay for Illinois families.

This year let us stop punishing marriage. Let us make elimination of the marriage tax penalty the number one must-do. Let us make it the centerpiece. Let us eliminate the marriage tax penalty, and do it now.

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

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

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

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

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

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

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

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

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

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple
Adjusted gross income	$30,500.00	$30,500.00	$61,000.00
Less personal exemption and standard deduction	6,550.00	6,550.00	11,800.00
Taxable income	23,950.00	23,950.00	49,200.00
Tax liability	3,592.50	3,592.50	8,563.00
Marriage penalty			1,378.00

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

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

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

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

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

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

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty * * * bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. Tax Code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now.

Which is better?

NOTE: The President's Proposal to expand the child care tax credit will pay for only 2 or 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act, H.R. 2456, will allow married couples to pay for 3 months of child care.

Which Is Better, 3 Weeks or 3 Months?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11.0
President's Child Care Tax Credit	358	127	2.8

URGING MEMBERS TO JOIN THE CONGRESSIONAL DIALOGUE ON VIETNAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, this past June, United States Secretary of State Madeleine Albright visited Vietnam to formally open the United States Embassy there. The recent establishment of diplomatic relations reflects changes between the United States and Vietnam since the end of the Vietnam War in 1975 and the lifting of the trade embargo in 1994.

Thus, several issues are emerging in the dialogue between the United States and Vietnam. It necessitates the creation of a forum for Members to express their views and to work with the administration on forming foreign policy towards Vietnam.

I rise today to call on my colleagues to join the Congressional Dialogue on

Vietnam. It is founded by myself and the gentlewoman from California (Ms. ZOE LOFGREN). This group will facilitate the dialogue between Members of Congress. It will also provide information to interested parties, and it will engage in discussions between Congress, the administration, and the Vietnamese-American community.

Last September I co-chaired a human rights caucus, a briefing on the human rights situation in Vietnam. During this briefing we heard from representatives from international, religious, and human rights organizations about the status of human rights, religious persecution, and the social and political state of Vietnam.

Through this hearing we learned that there are several voices wanting to be heard on this issue, and it is our job to give these groups the forum to do so. I strongly believe that with the normalization of relations between the two countries there comes a great responsibility. Now, more than ever, it is of critical importance that we pay careful attention to the progression of developments in U.S. Vietnam policy. Again, I strongly urge my colleagues to join the Congressional Dialogue on Vietnam, and I look forward to working with each of them on this important issue.

MOVING OUR COUNTRY TOWARDS A FAIRER, FLATTER, AND SIMPLER TAX CODE AND TAX SYSTEM

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

Mr. RIGGS. Mr. Speaker, I take to the floor during morning hour to just bring Members' attention to very interesting developments yesterday that really signaled the first round in a national debate about reforming our Tax Code and moving our country in the direction of a fairer, flatter, simpler Tax Code and tax system.

If Members will for a moment just compare the contrasting styles, the tone of the debate by the proponents and advocates on both sides of this issue. Yesterday two of our Republican colleagues, the House majority leader, the gentleman from Texas (Mr. DICK ARMEY) and the gentleman from Louisiana (Mr. BILLY TAUZIN), spoke to three different groups back here in Washington. This was part of their Scrap the Code tour that they have taken on the road to cities around the country.

Yesterday majority leader Armey, who was one of the leading congressional proponents of the flat tax, and the gentleman from Louisiana (Mr. TAUZIN), one of the leading Congressional proponents of a national sales tax, a national tax on consumption, spoke to these three groups as part of what I think is a very rational, a very level debate about replacing the current Tax Code in favor of one of these two plans, both of which, in my view, would be simpler and fairer than the current system. Again, they have been doing this around the country as part of an effort to inform and engage the American people in this debate.

Contrast their, again, very rational approach to discussing these issues with the President's remarks yesterday back here in Washington. I am quoting from the Washington edition of the Los Angeles Times. The headline is "Clinton Rips Reckless Overhaul of Tax Code."

The article says, "Facing an unexpected stampede in Congress to wipe out the U.S. tax code and replace it with a radical new system," and "radical" is the word the L.A. Times writer uses, "President Clinton on Monday denounced the approach as 'misguided, reckless, and irresponsible,' and warned that it would imperil the economy." Gloom and doom. These are just scare tactics, Mr. Speaker.

The article goes on to say, "In an unusually pointed attack, Clinton and his top advisers assailed popular legislation," legislation that is now pending in this House, in this Congress, "that would end the current tax code on December 31, 2001, to make way for a wholly new version.

"No one concerned about fighting crime would even think about saying, 'Well, three years from now we are going to throw out the criminal code and we will figure out what to put in its place,' Clinton told the National Mortgage Bankers Association. No one would do that. That is exactly what this proposal is. That is exactly what some people in Congress are proposing to do."

Excuse me? I do not see the analogy. I do not see any comparison between our efforts to move the country in the direction of a fairer, flatter, simpler Tax Code with this analogy to throwing out the criminal code. Frankly, I think most of us, the 143 of us that have sponsored legislation to scrap the Tax Code, resent any analogy or suggestion that somehow it is comparable to eliminating the criminal code.

Nothing could be further from the truth, and, as Jack Ferris, the President of the National Federation of Independent Businesses, which is trying to garner 1 million signatures from American citizens nationwide in support of scrapping the Tax Code, as he put it yesterday, what is irresponsible is a 500 million-word code, a 9,000 page Tax Code, that is antiwork, antisaving, and antifamily. That is exactly what we have in America today. We have a Tax Code, a tax system that is riddled with perverse incentives that actually favor consumption and spending over savings and investment.

We cannot go down this path. We should be able to have a rational, informed, bipartisan debate on this in this country without the defenders of the status quo having to, like the President, resort to scare tactics.

Let me tell the Members, what they are attempting to defend is absolutely indefensible. Here are some of the articles that have appeared in publications recently regarding the collection abuses and the culture at the IRS. Here is one that says new audit at IRS finds some agents focused on quotas. "The IRS Unveils New Taxpayer Protections to Limit Agents' Ability to Seize Assets."

Why do they have to do this? Because the new commissioner is quoted in here as saying, "I am concerned about the number of questionable procedural violations that may have occurred in the cases we have reviewed. I am especially troubled about the emphasis," in the IRS, "placed on improving collection status without equal emphasis on customer service and safeguarding taxpayers' rights."

"Treasury Chief Files Action Against IRS Quotas."

Another one, "Top Official Offers Mea Culpa for IRS."

Mr. Speaker, let us have an informed, rational, bipartisan debate. Let us transform the IRS into an agency that treats all taxpayers with respect and gives them the services they deserve, while we move the country in the direction of a fairer, flatter, simpler Tax Code and tax system.

SPEAKER'S TASK FORCE REPORT ON HONG KONG TRANSITION

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

Mr. BEREUTER. Mr. Speaker, last March, Speaker GINGRICH visited Asia. In the course of his visit to Hong Kong, he determined it would be appropriate to create a House task force to observe and report on the Hong Kong transition as it moved from colonial rule of the United Kingdom to become a separate but integral part of the People's Republic of China. He mandated that I chair that task force.

We created a bipartisan task force of equal numbers from the membership of the Subcommittee on Asia and the Pacific of the House Committee on International Relations, eight members total. The Speaker mandated that we visit Hong Kong and Beijing a minimum of every 6 months and provide a quarterly report to the Congress on the transition, to let the People's Republic of China know that we are watching that transition and to thereby try to protect the freedoms that existed in Hong Kong before the transition. Interestingly, the Australian Parliament has a similar effort underway.

In the first report of the Speaker's Task Force on the Hong Kong Transition, dated October 1, 1997, we reported that Hong Kong's reversion to China was characterized as "so far, so good." Six months after the official reversion, that characterization still applies.

Two other members of the Task Force and I visited Hong Kong, Beijing, Shenzhen and Macau between December 13 and December 20 of last year, and our report is effective through December 31 of 1997.

However, nearly all observers agree it is yet "too early to tell" whether Hong Kong will be greatly affected by the transition and/or whether the United States' significant interests in Hong Kong will be adversely affected. From all the perspectives both within and outside of Hong Kong, the very negative scenarios for Hong Kong which many had predicted thus far have not occurred. Undoubtedly, this is in part due to a determined effort by officials from the People's Republic of China to respect Hong Kong's autonomy under the "one-country, two-systems" formula. Despite the fact that the underlying reasons for China's stance remain the same, there is no assurance that the outcome from those objectives will still prevail.

To date, the Hong Kong people seem to enjoy the same basic liberties and rights they enjoyed prior to the reversion. However, this is tempered by the abolition of the Legislative Council and its replacement by a provisional legislature which was "selected," but not elected, by the people of Hong Kong.

Most observers agree that Hong Kong and Beijing officials responsible for implementing the "one-country, two-systems" framework are on their best behavior. Yet one overriding concern remains, and I put that in the form of a question: Are Hong Kong officials subtly anticipating what Beijing desires and not in all instances vigorously pursuing the autonomy that they now have out of a fear that they will upset Beijing? That is the question.

At least with regard to routine matters, Hong Kong governmental officials seem quick to assert their own autonomy. There is also some evidence that Hong Kong officials may be seeking to influence policies on the mainland. But on more sensitive issues such as President Jiang's interaction with protesters in Hong Kong not too long ago, Hong Kong officials may be attempting to put on a good face for Beijing.

If such attempts to "outroyal the queen" are really occurring in Hong Kong, a subtle and seemingly invisible erosion of Hong Kong's economy could be happening without being fully discernible. That is a summary of what we concluded.

Mr. Speaker, I would like to focus briefly on one other aspect of the Hong Kong transition which is of particular importance to America and being watched by this House, and I will say to my colleagues, the full report of this task force, our second quarterly report, will be found in the Extensions of Remarks for today, but that area is Hong Kong's customs autonomy.

Mr. Speaker, I would say it is a promising start but too early to judge. Indicators suggest that Hong Kong is fully exercising its autonomy as a separate customs territory inside China. Law enforcement cooperation between Hong Kong police and Customs and U.S. Customs remains "much the same," and, according to U.S. officials, there appears to be no change in the working relationship. Nevertheless, it is "too early to judge" whether long-term U.S. trade, security, and law enforcement interests in Hong Kong ultimately will be affected by the transition.

In November, the U.S. Foreign Commercial Service performed 30 postshipment verifications on export licenses and found only one or two questionable situations. Moreover, those questions were resolved with further inspection.

A U.S. interagency team on export controls traveled to Hong Kong on January 12, 1998, as part of a bilateral cooperation agreement between Secretary of Commerce William Daley and Hong Kong Trade and Industry Secretary Denise Yue.

Mr. Speaker, I urge my colleagues to look at our entire report. We are going to more fully examine the customs and export control issue, among others, when we present our third and fourth quarterly reports to the Congress of the United States. Again, our colleagues will find our second quarterly report fully presented in the Extensions of Remarks for today.

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION HONOREES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PAPPAS) is recognized during morning hour debates for 2 minutes.

Mr. PAPPAS. Mr. Speaker, just a few days ago an organization of which I am a member, called the American Hellenic Educational Progressive Association, or AHEPA for short, had its 33rd Biennial AHEPA Congressional Banquet not too far from here.

At that event one of our colleagues, the gentleman from Florida (Mr. BILIRAKIS) was the recipient of the annual Pericles Award. The gentleman from Florida, as all of us know here, is a leader in many areas of public policy, health care being one of them, but also in areas of public policy dealing with the Mediterranean, Eastern Mediterranean, Greece, and Cyprus. Mr. Speaker, we are all very proud to congratulate the gentleman on that.

The second award recipient was Andy Athens of the Chicago area. He received the 1998 Archbishop Iakovos Humanitarian Award.

Both of these gentlemen are fine Americans. I am very, very proud to know them and to consider them friends and to be a member of the Greek-American community in the United States with them, and am very pleased to have been there with them and their families that evening.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 22 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

We are grateful, O loving God, for all those people who give of their time and ability by volunteering to assist others and who through their good deeds strengthen the bonds of respect one for another. On this day we praise the efforts of those who volunteer their gifts to others and whose devotion and commitment to the meaning of service has contributed to the vitality of our national life and to our community and family development. Our thoughts at this time and our prayers every day go with these good people. May we encourage their good works and may we follow the high quality of their service in our own lives. In Your name we pray, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from 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.

SPEAKER'S GAVEL USED TODAY MADE WITH CARE AND PATIENCE BY DICK DIETERLE OF MILLERSVILLE, PA

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

Mr. GINGRICH. Mr. Speaker, I rise today to pay tribute to Mr. Dick Dieterle. Mr. Dieterle is a retired school teacher and amateur wood worker from Millersville, Pennsylvania who can teach us all a thing or two about patience. My colleagues may have noticed that I used a different gavel this afternoon, a gavel hand-built by Mr. Dieterle especially for this occasion. The head of the gavel is built from white ash that was cured for a year and air-dried for a decade. Mr. Dieterle rescued wood for the handle from a razed Lutheran church in Millersville and made its terminal from African padauk. Perhaps most impressively, Mr. Speaker, the striking block was made from a piece of apple wood that he has been curing for over 50 years. That is a very long time, Mr. Speaker.

This gavel should remind each of us as we gather to take up today's agenda that patience is a virtue and that it often takes 50 years to get something just right, whether that something is a gavel or a book or a piece of legislation. Dick Dieterle said that he is pretty sure the strongest man in the House will not break it. That is what happens when you take the time to perfect something. And looking at the gavel, Mr. Speaker, I am pretty sure that Mr. Dieterle's time was not wasted.

DEMOCRATS' EDUCATION AGENDA

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

Mr. ALLEN. Mr. Speaker, I rise today in support of the Democrats' education agenda which will be unveiled tomorrow. It calls for modernizing schools and reducing class size by hiring new teachers. To prepare our students for the future, we must not only increase the number of teachers, but also improve the quality of teachers.

I intend to introduce a bill this week which provides scholarships or stipends for outstanding graduate students enrolled in teacher training programs in math and science. These students would then be obligated to teach math or science for 3 years in an urban or rural public secondary school or repay their stipends.

Among 25 nations, U.S. students ranked 12th and 9th respectively in math and science skills. Almost 50 percent of these students were taught by teachers who did not prepare in those fields. We can do better. I urge my colleagues to recruit and reward future math and science teachers for American children.

THE HEROIC STORY OF CHRIS NOAD

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

Mr. GIBBONS. Mr. Speaker, not often do we bring stories, heroic stories, before the House of Representatives, so it today brings me great pleasure to tell you about a heroic young man named Chris Noad of Dayton, Nevada. Last Friday Chris was awarded the Boy Scout Gold Honor Medal, the highest life-saving award in scouting, for unusual heroism in saving a life at considerable risk to himself.

Twelve-year-old Chris came to the rescue of his younger sister Kathryn as she was being viciously attacked by a dog in their yard. Hearing the painful cries of his sister, Chris disregarded his own safety, rushed into the yard and was able to grab and pin a 120-pound Rottweiler until further help arrived, allowing his sister to escape. Fortunately Kathryn survived this attack, but that may not have been so without the truly courageous action of her older brother.

The actions taken by Chris Noad during those frightful moments can serve as an example to all of us. Doing the right thing at the right time even when it is at our own jeopardy is something we all need to remember. Large acts of bravery do not always occur by large people. You are truly a hero to your family, to your community and to the State of Nevada.

MEXICAN DRUG CARTEL RECRUITING STREET GANGS

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

Mr. TRAFICANT. Mr. Speaker, according to reports, Mexico's drug cartel is recruiting American kids in street gangs in the city of San Diego. That is right. California has become the new breeding ground for Mexican drug traffickers. Unbelievable.

While the Pentagon last year spent $3 billion in Bosnia and Iraq, the Pentagon has announced they are going to suspend their operations on our borders. Beam me up. Let us put the seed corn where the fertilizer can reach it, Mr. Speaker. If Congress can spend billions of dollars to secure foreign borders for foreign citizens in foreign lands, then the Congress of the United States can secure the border in America for the American people. I just have one thing to say to the Pentagon. Suspend this. Are we inhaling or what?

TAXES

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

Mr. TIAHRT. Mr. Speaker, yesterday on page 1 of USA Today, there was a very interesting chart that is here to my left. It shows the rising tax load. While that is no surprise to anyone paying taxes over the past few decades, this chart caught my eye for several reasons. It shows that the tax burden has been rising steadily since 1965 for families with one working parent and for families with both working parents. Either way, married or single, Uncle Sam takes more and more, and families pay more and more. That is a formula that brings joy to the hearts of big government liberals and Federal bureaucrats and government planners of all sorts. But it does not do much for families who are trying to get ahead.

It is time to change that course. The tax burden on American families, especially middle-class families, is too high. It has been going up for years, and it is time to go the other direction. It is time for some tax relief for the middle class, the backbone of America, that plays by the rules, works hard and pays the taxes.

PUERTO RICAN STATEHOOD

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

Mr. GUTIERREZ. Mr. Speaker, today there will be a rule taken up on the Young bill, a bill that is supposed to deal with the self-determination of the people of Puerto Rico. It is really a statehood bill. It is a bill that will guarantee statehood.

In 1993, as many of my colleagues remember, the people of Puerto Rico had a plebescite, independence, Commonwealth and statehood. We all remember the headlines, the headlines read blaring across our Nation, Puerto Rico rejects statehood. Now we are going to come back 5 years later, and since they lost it that time, we are going to write a statehood bill to make sure that that is the option. It is wrong. I am going to give everybody one example.

My father did not see me until I was 1 year old. The reason was because he was serving in the Armed Forces of this Nation. He was born on the island of Puerto Rico. He served in the Armed Forces of this Nation. Under the bill we are going to consider tomorrow, we are going to state that my father's citizenship is statutory. Now, when my father goes and votes, and he likes the Commonwealth, he disagrees with his son about a lot of things, and that is one

thing we disagree about, he is going to want to vote for a Commonwealth. He served in the Armed Forces of this Nation, an American citizen. When he goes to vote, Mr. Speaker, the only thing that is going to guarantee him his American citizenship is statehood. You want an election that is going to guarantee a false vote, that is going to be tomorrow. Let the people of Puerto Rico decide.

HUMAN RIGHTS ABUSES IN INDONESIA

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

Mr. PITTS. Mr. Speaker, I stand here today to draw attention to the human rights abuses taking place in Indonesia. As many of my colleagues know, Indonesia is experiencing tremendous economic and social upheaval. In the ensuing panic, the people and government have tagged the Christian and ethnic Chinese minority as the scapegoats for these societal ills.

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As a result, massive human rights violations have occurred. Mobs have shut down Christian church services and burned down places of worship. Between February 14 and 17 alone, rioters destroyed the property of 29 churches. Churches gathered to find their musical instruments, benches, bibles, church documents and entire buildings destroyed.

Mr. Speaker, the extremists are not the only perpetrators of human rights abuses. Government authorities allegedly participate in the violence and abuses by failing to protect the churches and communities from attackers. By doing nothing in response to these violations, the government implicitly collaborates with extremist groups and builds anti-Christian sentiment. This is outrageous.

Mr. Speaker, we should not look the other way while such blatant human rights violations occur in Indonesia. I urge Mr. Mondale to raise these issues during his meetings with Mr. Suharto and the Government of Indonesia to take steps immediately to protect these minorities from abuse.

OPPOSITION TO H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

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

Mr. WICKER. Mr. Speaker, I am glad to know there is bipartisan opposition to H.R. 856, the United States-Puerto Rico Political Status Act, which we will be asked to vote on tomorrow.

Over the past few weeks, I have received a lot of conflicting information regarding Puerto Rican statehood. Some say statehood will cost the taxpayers $3.5 billion. Others say it will result in a $2.5 billion benefit. Which is true? I cannot be sure, and the American people do not know the truth yet either.

When I was home this weekend, I asked several folks what they thought of Puerto Rico becoming the 51st State. Most of my constituents did not even realize Congress was considering such a vote. We should not vote on such an important bill when our voters are not fully informed.

During my time in Congress, I have generally been supportive of my leadership. But I say to the Republican leadership today that they are making a grave mistake. I believe they have misjudged the will and understanding of the American people. They do not know enough about this legislation, they do not know it is coming. Americans are going to wake up Thursday morning with Puerto Rico well on its way to becoming the 51st star in the flag and they are going to say, why were we not consulted?

I urge my leadership to pull this measure and give the American people an opportunity to make an informed decision.

CITIZENS PROTECTION ACT

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

Mr. HUTCHINSON. Mr. Speaker, in 1995 a bounty hunter was chasing a bond jumper in Texas. In Houston, he found a woman he thought to be the bond jumper and beat her severely. The woman, who was pregnant, miscarried the next day. The key fact was the bounty hunter had the wrong woman. An innocent woman lost her child at the hands of a rogue bounty hunter.

The majority of bounty hunters are professionals who do excellent work. Unfortunately, there are a few Dirty Harry wannabes out there as well, and the results can be tragic.

I urge my colleagues to support the Citizens Protection Act, a bill which provides an incentive to weed out the rogue bounty hunters and prevent this kind of reckless abuse that resulted in the death of that mother's child.

The Citizens Protection Act holds two things: It says that bounty hunters and their employers, bail bondsmen, are accountable for their actions, making them liable for civil rights actions. The second thing it does, it requires bounty hunters who cross State lines in pursuit of a bond jumper to report their intentions to State law enforcement authorities.

A bounty hunter's license, Mr. Speaker, should not be a license to terrorize and abuse innocent citizens, and I urge my colleagues to support the Citizens Protection Act.

DO NOT SPEND THE SURPLUS

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

Mr. DELAY. Mr. Speaker, today the Congressional Budget Office announced that the Federal budget is in surplus for the first time in 30 years. This is remarkable, especially when we look at where we were in 1994.

In 1994, President Clinton's budget projected $200 billion in deficits for as far as the eye could see. Now, back then, the pundits laughed at the Republican leadership when we said we were going to balance the budget as we cut taxes. Well, who is laughing now?

Now that we have a surplus, we need to return the money back to the American taxpayer. Unfortunately, the President has different ideas. He has proposed over $100 billion in new Washington spending.

Well, Mr. Speaker, my constituents do not want any more wasteful Washington spending. Their message to the President is very clear: Don't spend our surplus.

HISTORIC CROSSROADS IN AMERICAN HISTORY

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

Mr. THUNE. Mr. Speaker, we are at a historic crossroads in American history. For the first time since 1969 we have a budget surplus.

As we stand at this crossroads, we see the path fork in front of us and divide in two ways. We can follow Bill Clinton to the left. Bill Clinton wants to lead us down the run down and rutted road that takes us backwards to the era of big government.

Or we can walk the road that leads to the right. This path leads us away from big government spending and leads us closer to familiar benchmarks, like personal responsibility and personal freedom.

The road to the right gives the American people the power to spend their own money, however they see fit, rather than spending it on some far-off Washington bureaucracy in the form of new government spending.

We face an enormous choice today, Mr. Speaker. We can take the road to the left and continue to make the Federal Government bigger and more bloated, or we can go to the right and give the American people more prosperity and more freedom.

We have seen where the path leads to the left, Mr. Speaker. We do not want to travel down that road again.

IS THE SECRETARY OF AGRICULTURE WILLING TO LOOK INTO THE FACES OF AMERICAN FARM FAMILIES?

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

Mr. HILL. Mr. Speaker, I have a question today for the Department of Agriculture. Are you willing to look into the faces of American farm families?

Yesterday morning in Sweetgrass, Montana, on the border between Canada and the United States, dozens of farmers and ranchers from both sides of the border gathered in protest by barricading the border to gain the attention of the administration.

It is not just a protest about grain prices, even though those prices are below the cost of production. And it was not just a protest about unfair trade, even though Canada and the Canadian Grain Board is dumping grain into the United States. It was a protest about administrations in Washington and a Federal Government in Ottawa that have turned their back on producers.

My question to the Secretary of Agriculture and to our trade representative: Will you come to Shelby, Montana and will you look into the faces of these farm families, and will you sit at their kitchen tables and look at their budgets with me? Will you listen to them and their ideas and their solutions so that these families can enjoy a piece of America's prosperity too? Mr. Secretary, will you do that? Will you not turn your back on them?

PRESIDENT SHOULD SUPPORT COALITION SUPPORTING FAIRER, SIMPLER TAX SYSTEM

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

Mr. JONES. Mr. Speaker, I rise today to encourage the President to join the coalition supporting a fairer, simpler tax system. The President seems to think that the status quo is okay. He obviously has not been speaking to people in eastern North Carolina because they remind me daily that the status quo is out of control.

When the American taxpayer spends 5 billion hours and $225 billion annually just to prepare their tax returns, something is clearly wrong. Mr. Speaker, the American people need relief, not only from their ever-increasing tax burden of 38 percent but from the lengthy and complicated tax code itself.

I ask the President to join those of us who are fighting to provide the taxpayers with the relief they so rightly deserve. Reject the status quo and support a fairer, simpler tax system for the American people.

CONGRESS TO LOOK INTO MATH-SCIENCE EDUCATION AND NATION'S SCIENCE POLICY

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

Mr. EHLERS. Mr. Speaker, earlier a colleague from Maine registered concern about the results of the third International Mathematics and Science Study, which indicated that in the area of mathematics we were at the bottom of the list of nations who took the test, with the exception of Cyprus and South Africa. And in science we are very little better. We only passed up Italy, Lithuania, Cyprus and one other country.

This is indeed a sad state of affairs. I appreciate my colleague's interest, and I also want to mention that the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH), and the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), earlier during the previous session decided that this was a serious problem that had to be addressed by the Committee on Science. Mr. SENSENBRENNER has commissioned me to head up the effort on the part of the Committee on Science to look into math-science education as well as our Nation's science policy.

In particular, we will be having a hearing tomorrow in which we will have Mr. Bill Nye, the Science Guy; a representative from Sesame Street; and others, talking in particular about the question of how we can maintain interest among our students in science and mathematics as they get older. I encourage the Members of the House to attend that hearing, and I am sure we will learn a great deal about what we can do as a Nation to improve our students' performance in mathematics and science in elementary and secondary schools.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

SUPPLEMENTAL REPORT ON H.R. 217, HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Banking and Financial Services a supplemental report to accompany the bill (H.R. 217), to amend Title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

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

There was no objection.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 217) to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively, as amended.

The Clerk read as follows:

H.R. 217

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 "Homeless Housing Programs Consolidation and Flexibility Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

(3) there are a multitude of Federal Government programs to assist the homeless, including programs for elderly persons, persons with disabilities, Native Americans, and veterans;

(4) many of the Federal programs for the homeless have overlapping objectives, resulting in multiple sources of Federal funding for the same or similar purposes;

(5) while the results of Federal programs to assist the homeless generally have been positive, it is clear that there is a need for consolidation and simplification of such programs to better support local efforts;

(6) increasing resources available to reduce homelessness are utilized in the development of services rather than the creation of housing;

(7) housing programs must be evaluated on the basis of their effectiveness in reducing homelessness, transitioning individuals to permanent housing and self-sufficiency, and creating an adequate plan to discharge homeless persons to and from mainstream service systems;

(8) effective homelessness treatment should provide a comprehensive housing system (including transitional and permanent housing) and, while not all homeless individuals and families attain self-sufficiency and

independence by utilizing transitional housing and then permanent housing, in many cases such individuals and families are best able to reenter society directly through permanent, supportive housing;

(9) supportive housing activities support homeless persons in an environment that can meet their short-term or long-term needs and prepare them to reenter society as appropriate;

(10) homelessness should be treated as part of a symptom of many neighborhood and community problems, whose remedies require a holistic approach integrating all available resources;

(11) there are many private sector entities, particularly nonprofit organizations, that have successfully operated homeless programs;

(12) government restrictions and regulations may discourage and impede innovative approaches to homelessness, such as coordination of the various types of assistance that are required by homeless persons; and

(13) the Federal Government has a responsibility to establish partnerships with State and local governments and the private sector to address comprehensively the problems of homelessness.

(b) PURPOSE.—It is the purpose of this Act—

(1) to consolidate the existing housing programs for homeless persons under title IV of the Stewart B. McKinney Homeless Assistance Act into a single block grant program for housing assistance for the homeless;

(2) to allow flexibility and creativity in rethinking solutions to homelessness, including alternative housing strategies and an improved service sector;

(3) to provide Federal assistance to reduce homelessness on a basis that requires recipients of such assistance to supplement the federally provided amounts and thereby guarantee the provision of a certain level of housing and complementary services necessary to meet the needs of the homeless population; and

(4) to ensure that multiple Federal agencies are involved in the provision of housing, human services, employment, and education assistance both through the funding provided for implementation of the Stewart B. McKinney Homeless Assistance Act and mainstream funding and to encourage entrepreneurial approaches in the provision of housing for homeless people.

SEC. 3. GENERAL PROVISIONS.

Title I of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

(1) by striking section 102;

(2) in section 103—

(A) in subsection (a), by striking "the term 'homeless' or 'homeless individual or homeless person' includes" and inserting "the terms 'homeless', 'individual', and 'homeless person' include"; and

(B) in subsection (c), by striking "the term 'homeless' or 'homeless individual' does not include" and inserting "the terms 'homeless', 'individual', and 'homeless person' do not include"; and

(3) by redesignating sections 103, 104, and 105 as sections 102, 103, and 104, respectively.

SEC. 4. FEDERAL EMERGENCY MANAGEMENT AGENCY FOOD AND SHELTER PROGRAM.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1998, 1999, 2000, 2001, and 2002.".

SEC. 5. PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended to read as follows:

"TITLE IV—PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

"Subtitle A—General Provisions

"SEC. 401. PURPOSE; PERFORMANCE MEASURES.

"(a) PURPOSE.—The purpose of the program under this title is to provide assistance for permanent housing development for homeless persons and promote the development of a comprehensive housing system that transitions homeless persons to live as independently as possible, including assistance in the form of permanent housing development, supportive housing, emergency shelters, supportive services, and activities to prevent homelessness.

"(b) PERFORMANCE MEASURES.—Consistent with the purposes and requirements of the Government Performance and Results Act of 1993, the programs under this title and the implementation of such programs by the Department of Housing and Urban Development shall comply with the following performance goals:

"(1) The Federal Government shall ensure an effective grant allocation process and sound financial management of the process. Such grant allocation process shall be implemented to ensure that—

"(A) local governments shall work with the appropriate Local Board to create innovative plans sufficient to address the needs of homeless people in their community; and

"(B) all eligible communities receive funds to address the needs of homeless people in such communities through local governments or private nonprofit organizations.

"(2) The financial resources provided under this title shall be used effectively to create more low-cost permanent housing and to transition homeless people to self-sufficiency and permanent housing.

"(3) The Federal Government shall use the Interagency Council on the Homeless as a vehicle to coordinate services, programs, and funds to promote the transition of homeless people to self-sufficiency in permanent housing.

"SEC. 402. GRANT AUTHORITY.

"(a) IN GENERAL.—The Secretary may make grants as provided under this title to eligible grantees for States, metropolitan cities, urban counties, and insular areas for carrying out eligible activities under subtitles B and C.

"(b) GRANT AMOUNTS.—Except as otherwise provided under this title, amounts for a fiscal year allocated under section 406 shall be used as follows:

"(1) INSULAR AREAS.—Any amounts for the fiscal year allocated under section 406(a) for an insular area shall be used for a grant to the eligible grantee for the insular area for such fiscal year.

"(2) PERMANENT HOUSING DEVELOPMENT.—Any amounts allocated under section 406(b) for use under subtitle B shall be used for grants under section 406(b)(2) to States, metropolitan cities, and urban counties for such fiscal year.

"(3) FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE.—Any amounts allocated under section 406(c) for a State, metropolitan city, or urban county, shall be used for a grant under section 406(c) to the eligible grantee for the State, metropolitan city, or urban county, for the fiscal year.

"(c) USE FOR ELIGIBLE ACTIVITIES.—Grant amounts provided under this title and any supplemental funds provided under section 407 may be used only as follows:

"(1) INSULAR AREA GRANTS.—In the case of a grant under subsection (b)(1) for an insular area, for eligible activities under subtitle C benefiting the insular area.

"(2) PERMANENT HOUSING DEVELOPMENT GRANTS.—In the case of a grant under subsection (b)(2) to a State, metropolitan city, or urban county, for eligible activities under subtitle B within the State, metropolitan city, or urban county, respectively.

"(3) FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE.—In the case of a grant under subsection (b)(3) for a State, metropolitan city, or urban county, for eligible activities under subtitle C benefiting the State, metropolitan city, or urban county, and carried out only within non entitlement areas of the State, metropolitan city, or county, as applicable.

"SEC. 403. ELIGIBLE GRANTEES.

"For purposes of this title, the term 'eligible grantee' has the following meaning:

"(1) GRANTS FOR INSULAR AREAS.—In the case of a grant from amounts allocated under section 406(a) for an insular area, such term means—

"(A) the insular area, or an agency, office, or other entity of the area; or

"(B) to the extent that an entity that is a private nonprofit organization is authorized by the government of the insular area to act as the grantee for the area for purposes of this title, such private nonprofit entity.

"(2) GRANTS FOR PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE ASSISTANCE.—In the case of a grant from amounts allocated under section 406(b) or section 406(c) for a State, metropolitan city, or urban county, such term means—

"(A) the State, metropolitan city, or urban county, respectively, or an agency, office, or other entity of the State, city, or county, respectively; and

"(B) to the extent that a private nonprofit organization is authorized by the government of the State, metropolitan city, county to act as the grantee for the State, metropolitan city, or county, respectively, for purposes of this title, such private nonprofit organization.

"SEC. 404. USE OF PROJECT SPONSORS.

"(a) TRANSFER OF GRANT AMOUNTS BY GRANTEES.—Eligible activities assisted with grant amounts provided under this title may be carried out directly by the grantee or by other entities serving as project sponsors which are provided such grant amounts by the grantee or a subgrantee of the grantee.

"(b) COMPETITIVE SELECTION CRITERIA.—To the extent that a grantee does not use grant amounts for eligible activities carried out directly by the grantee, the grantee shall select eligible activities for assistance and project sponsors to carry out such eligible activities pursuant to a competition based on criteria established by the Secretary, which shall include—

"(1) whether the project sponsor that will carry out the activity is financially responsible;

"(2) the ability of the project sponsor to carry out the eligible activity and the project sponsor's experience in successfully transitioning homeless persons into stable, long-term housing;

"(3) the need for the type of eligible activity in the area to be served;

"(4) the extent to which the amount of assistance to be provided with grant amounts

will be supplemented with resources from other public and private sources;

"(5) the cost-effectiveness of the proposed eligible activity, considered in relation to the ultimate goal of moving people out of homelessness permanently, including consideration of high-cost area services, and other necessary amenities;

"(6) the extent to which the project sponsor carrying out the eligible activity—

"(A) will coordinate with Federal, State, local, and private entities serving homeless persons in the development of a comprehensive housing system and in the planning and operation of the activity; and

"(B) will, pursuant to section 408(m)(3), carry out the activity in coordination and conjunction with federally funded activities for the homeless;

"(7) the extent to which the project sponsor employs homeless persons or involves homeless persons or formerly homeless persons in the operation and design of its programs; and

"(8) such other factors as the Secretary determines to be appropriate to carry out this title in an effective and efficient manner.

"SEC. 405. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY COMPLIANCE.

"A grant under this title may be provided to an eligible grantee only if—

"(1) the applicable jurisdiction for which the grant amounts are allocated under section 406 has submitted to the Secretary a comprehensive housing affordability strategy in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act and any other requirement established by the Secretary and which is in effect for the fiscal year for which such grant amounts are to be provided; and

"(2) the public official of such applicable jurisdiction who is responsible for submitting the comprehensive housing affordability strategy required by paragraph (1) certifies to the Secretary that the eligible activities to be assisted with such grant amounts are or will be consistent with such comprehensive housing affordability strategy, including the plans in such strategy for addressing housing needs for homeless families.

"SEC. 406. ALLOCATION AND AVAILABILITY OF AMOUNTS.

"(a) ALLOCATION FOR INSULAR AREAS.—Of the amount made available for grants under this title for a fiscal year, the Secretary shall reserve for grants for each of the insular areas amounts in accordance with an allocation formula established by the Secretary.

"(b) ALLOCATION FOR PERMANENT HOUSING DEVELOPMENT GRANTS UNDER SUBTITLE B.—

"(1) ANNUAL PORTION OF APPROPRIATED AMOUNT AVAILABLE.—Of the amount made available for grants under this title for a fiscal year that remains after amounts are reserved under subsection (a), the Secretary shall allocate for use under subtitle B, 30 percent of such funds (except that for fiscal years 1998 and 1999, the Secretary shall allocate 25 percent of such funds for use under such subtitle).

"(2) GRANTS.—Using the amounts allocated for use under subtitle B for a fiscal year, the Secretary shall make grants to States, metropolitan cities, and urban counties pursuant to a national competition based on the criteria specified in section 404(b) and in accordance with such other factors and procedures as the Secretary determines to be appropriate to carry out this title in an effective and efficient manner.

"(3) LIMITATION.—In making grants using amounts allocated for use under subtitle B for any fiscal year, the Secretary shall ensure that not more than 35 percent of the total amount allocated for such use for such fiscal year is used for activities under section 441 of this Act, as in effect on October 31, 1997.

"(c) ALLOCATION FOR FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE UNDER SUBTITLE C.—

"(1) ANNUAL PORTION OF APPROPRIATED AMOUNT AVAILABLE FOR SUBTITLE C ACTIVITIES.—Of the amount made available for grants under this title for a fiscal year that remains after amounts are reserved under subsection (a), the Secretary shall allocate for use under subtitle C 70 percent of such funds (except that for fiscal years 1998 and 1999, the Secretary shall allocate 75 percent of such funds for use under such subtitle).

"(2) ALLOCATION OF AMOUNT AVAILABLE BETWEEN METROPOLITAN CITIES AND URBAN COUNTIES AND STATES.—Of the amount allocated pursuant to paragraph (1) for use under subtitle C for a fiscal year, 70 percent shall be allocated for metropolitan cities and urban counties and 30 percent shall be allocated for States.

"(3) INTERIM DETERMINATION OF ALLOCATED AMOUNT.—Except as provided in paragraph (4), the Secretary shall allocate amounts available for use under subtitle C for a fiscal year so that—

"(A) for each metropolitan city and urban county, the percentage of the total amount allocated under this subsection for cities and counties that is allocated for such city or county is equal to the percentage of the total amount available for the preceding fiscal year under section 106(b) of the Housing and Community Development Act of 1974 for grants to metropolitan cities and urban counties that was allocated for such city or county; and

"(B) for each State, the percentage of the total amount allocated under this subsection for States that is allocated for such State is equal to the percentage of the total amount available for the preceding fiscal year under section 106(d) of the Housing and Community Development Act of 1974 for grants to States that was allocated for such State.

"(4) MINIMUM APPROPRIATION REQUIREMENT.—If, by December 1 of any fiscal year, the amount appropriated for grants under this title for such fiscal year is less than $750,000,000—

"(A) the Secretary shall not allocate amounts for such fiscal year under subsection (b) and this subsection;

"(B) subsection (d) shall not apply to amounts for such fiscal year; and

"(C) notwithstanding any other provision of this title, the Secretary shall make grants under this title from such amounts to States, units of general local government, and private nonprofit organizations, pursuant to a national competition based on the criteria specified in section 404(b).

"(5) STUDY; SUBMISSION OF INFORMATION TO CONGRESS RELATED TO ALTERNATIVE METHODS OF ALLOCATION.—Not later than 1 year after the date of the enactment of the Homeless Housing Program Consolidation and Flexibility Act, the Secretary shall—

"(A) submit to Congress—

"(i) the best available methodology for determining a formula relative to the geographic allocation of funds under this subtitle among entitlement communities and nonentitlement areas based on the incidence of homelessness and factors that lead to homelessness;

"(ii) proposed alternatives to the formula submitted pursuant to clause (i) for allocating funds under this section, including an evaluation and recommendation on a 75/25 percent and other allocations of flexible block grant homeless assistance between metropolitan cities and urban counties and States under paragraph (2);

"(iii) an analysis of the deficiencies in the current allocation formula described in section 106(b) of the Housing and Community Development Act of 1974;

"(iv) an analysis of the adequacy of current indices used as proxies for measuring homelessness; and

"(v) an analysis of the bases underlying each of the proposed allocation methods;

"(B) perform the duties required by this paragraph in ongoing consultation with—

"(i) the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(ii) the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives;

"(iii) organizations representing States, metropolitan cities and urban counties;

"(iv) organizations representing rural communities;

"(v) organizations representing veterans;

"(vi) organizations representing persons with disabilities;

"(vii) members of the academic community; and

"(viii) national homelessness advocacy groups; and

"(C) estimate the amount of funds that will be received annually by each entitlement community and nonentitlement area under each such alternative allocation system and compare such amounts to the amount of funds received by each entitlement community and nonentitlement area in prior years under this section.

"(6) MINIMUM ALLOCATIONS AMOUNTS.—

"(A) IN GENERAL.—

"(i) METROPOLITAN CITIES AND URBAN COUNTIES.—Notwithstanding paragraph (3), if for any fiscal year, the allocation under subtitle C for a metropolitan city or urban county is less than 0.05 percent of the amounts available for such use, such metropolitan city or urban county shall not receive a grant and its allocation shall be added to the allocation for the State in which such metropolitan city or urban county is located, except that any such metropolitan city or urban county that received a grant under this title in a previous fiscal year shall be allocated an amount equal to 0.05 percent of the amounts appropriated for such use.

"(ii) STATES.—Notwithstanding paragraph (3), if in any fiscal year the allocation under subtitle C for a State is less than $2,000,000, the allocation for that State shall be increased to $2,000,000 and the increase shall be provided by deducting pro rata amounts from the allocations under such subtitle of States with allocations of more than $2,000,000.

"(B) GRADUATED MINIMUM GRANT ALLOCATIONS.—Notwithstanding subparagraph (A) of this paragraph and notwithstanding paragraph (3), a State, metropolitan city, or urban county shall receive no less funding under this subsection in the first full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act than 90 percent of the average of the amounts awarded annually to that jurisdiction for homeless assistance programs administered by the Secretary (not including allocations for shelter plus care and single room occupancy programs as defined

in, and in effect pursuant to, this Act prior to the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act) under this title during fiscal years 1994 through 1997, no less than 85 percent in the second full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, no less than 80 percent in the third and fourth full fiscal years after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, and no less than 75 percent in the fifth full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, but only if the amount appropriated pursuant to section 435 in each such fiscal year exceeds $800,000,000. If that amount does not exceed $800,000,000 in any fiscal year referred to in the first sentence of this paragraph, the jurisdiction may receive its proportionate share of the amount appropriated which may be less than the amount stated in such sentence for such fiscal year.

"(7) REDUCTION.—Notwithstanding paragraphs (1) through (6), in any fiscal year, the Secretary may provide a grant under this subsection for a State, metropolitan city, or urban county, in an amount less than the amount allocated under those paragraphs, if the Secretary determines that the jurisdiction has failed to comply with requirements of this title, or that such action is otherwise appropriate.

"(d) RECAPTURE OF ALLOCATED AMOUNTS.—The Secretary shall recapture the following amounts:

"(1) UNUSED AMOUNTS.—Not less than once during each fiscal year, the Secretary shall recapture any amounts allocated under this section that—

"(A) are allocated for a State, metropolitan city or urban county, or insular area, but not provided to an eligible grantee for the jurisdiction because of failure to apply for a grant under this title or failure to comply with the requirements of this title;

"(B) were provided to a grantee and (i) recaptured under this title, or (ii) not utilized by the grantee in accordance with the purposes and objectives of the approved application of the grantee within a reasonable time period, which the Secretary shall establish; or

"(C) are returned to the Secretary by the time of such reallocation.

"(2) AMOUNTS ALLOCATED TO GRANTEES THAT FAIL TO COMPLY WITH COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY REQUIREMENTS.—Notwithstanding paragraph (1), if, for any fiscal year, a metropolitan city or urban county fails to comply with the requirement under section 405(1) during the 90-day period beginning on the date that amounts for grants under this title for such fiscal year first become available for allocation, the amounts that would have been allocated under subsection (c) of this section for such city or county shall be reallocated for the State in which the unit is located, but only if the State has complied with the requirement under section 405(1). Any amounts that cannot be allocated for a State under the preceding sentence shall be reallocated for other metropolitan cities and urban counties and States that comply with such requirement and demonstrate extraordinary need or large numbers of homeless persons, as determined by the Secretary.

"(e) REALLOCATION OF AMOUNTS.—Any amounts allocated under subsection (b) that are recaptured pursuant to subsection (d)(1) shall be reallocated only for use under subtitle B. Any amounts allocated under subsection (c) that are recaptured pursuant to subsection (d)(1) shall be reallocated only for use under subtitle C.

"SEC. 407. MATCHING FUNDS REQUIREMENT.

"(a) IN GENERAL.—Each State, metropolitan city or urban county, and insular area for which a grant under this title is made shall supplement the amount of the grant provided under this title with an amount that is not less than—

"(1) 50 percent of the amount of such grant, if the State, metropolitan city or urban county, and insular area has indicated in its application for such grant that it will not include as a portion of its supplementation the cost or value of donated services; or

"(2) 100 percent of the grant amount, if the State, metropolitan city, urban county, or insular area indicated in its application for such grant that it will include as a portion of its supplementation the cost or value of donated services.

"(b) MATCHING REQUIREMENT FOR USE OF MORE THAN 35 PERCENT OF FUNDS FOR SUPPORTIVE SERVICES.—In addition to the supplemental funds required pursuant to subsection (a), for the second full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act and each fiscal year thereafter, a State, metropolitan city, or urban county shall supplement the grant funds for the State, metropolitan city, or urban county in an amount equal to the amount used by that State, metropolitan city, or urban county for supportive services in a fiscal year that exceeds 35 percent of the total grant amount for the State, metropolitan city, or urban county for that fiscal year.

"(c) TREATMENT OF INDEPENDENT STATE OR LOCAL GOVERNMENT FUNDS.—Any State or local government funds used independently from the program under this title, or designated for such use, to assist the homeless by carrying out activities that would be eligible for assistance under this subtitle may be counted toward the amount required pursuant to subsection (a).

"(d) AUTHORITY FOR GRANTEES TO REQUIRE SUPPLEMENTATION.—

"(1) IN GENERAL.—Each grantee under this title may require any subgrantee or project sponsor to whom it provides such grant amounts to provide supplemental amounts required under subsections (a) and (b) with an amount of funds from sources other than this title.

"(2) AMOUNT ALLOWED TO BE REQUIRED BY GRANTEE.—

"(A) GRANT AMOUNT.—Except as provided in paragraph (3), a grantee may not require any subgrantee or project sponsor to whom it provides such grant amounts under this title to provide—

"(i) supplemental amounts required under subsection (a)(1) in an amount exceeding 25 percent of the grant amount provided to the subgrantee or project sponsor; or

"(ii) supplemental amounts required under subsection (a)(2) in an amount exceeding 50 percent of the grant amount provided to the subgrantee or project sponsor.

"(B) SUPPORTIVE SERVICES.—A grantee may require any subgrantee or project sponsor to whom it provides grant amounts under this title to provide supplemental amounts required under subsection (b) in an amount equal to the amount used by subgrantee or project sponsor for supportive services in a fiscal year that exceeds 35 percent of the total amount allocated pursuant to this subsection for that fiscal year.

"(3) SUPPLEMENTAL FUNDS MAY BE CONSIDERED AS MATCHING FUNDS.—Supplemental amounts provided by a subgrantee or project sponsor pursuant to this subsection may be considered supplemental amounts for purposes of compliance by any grantee with the requirement under subsections (a) and (b).

"(e) USE OF FUNDS.—Any supplemental funds made available in compliance with this section shall be available only to carry out eligible activities (1) under subtitle B, if the grant amounts are available only for such activities, or (2) under subtitle C, if the grant amounts are available only for such activities.

"(f) SUPPLEMENTAL FUNDS.—In determining the amount of supplemental funds provided in accordance with this section, the following amounts may be included:

"(1) Cash.

"(2) The value of any donated or purchased material or building.

"(3) The value of any lease on a building.

"(4) The proceeds from bond financing validly issued by a State or unit of general local government, agency, or instrumentality thereof, and repayable with revenues derived from the activity assisted under this title.

"(5) The amount of any salary paid to staff to carry out a program for eligible activities under subtitle B or C.

"(6) The cost or value of any donated goods.

"(7) The value of taxes, fees, or other charges that are normally and customarily imposed, but which are waived or foregone to assist in providing housing or services for the homeless.

"(8) The cost of on-site and off-site infrastructure that is directly related to and necessary for providing housing or services for the homeless.

"(9) The cost or value of any donated services, but only if the State, metropolitan city, urban county, or insular area has stated in its application for a grant under this title that it shall supplement the amount of such grant, in accordance with section 407(a)(2).

"(g) REDUCTION IN MATCHING REQUIREMENTS.—If a jurisdiction certifies to the Secretary that it is in fiscal distress (as defined in section 220(d)(2) of the Cranston-Gonzalez National Affordable Housing Act) for a fiscal year, the Secretary shall apply the matching requirement under subsection (a) to such jurisdiction for such fiscal year by reducing such percentage under subsection (a) to the same extent, in the same manner, and according to the same criteria as matching requirements are reduced under section 220(d) of the Cranston-Gonzalez National Affordable Housing Act.

"SEC. 408. PROGRAM REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) FORM AND PROCEDURE.—The Secretary shall make a grant under this title only pursuant to an application for a grant submitted by an eligible grantee in the form required by this section and in accordance with such other factors and procedures as the Secretary determines to be appropriate. The Secretary may not give preference or priority to any application on the basis that the application was submitted by any particular type of eligible grantee.

"(2) CONTENTS.—The Secretary shall require that applications contain at a minimum the following information:

"(A) GRANTS FOR PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—In the case of an application for a grant available for use for activities under subtitle B or an application for a grant available for use under subtitle C for permanent housing development assistance—

"(i) a description of the permanent housing development activities to be assisted;

"(ii) a description of the entities that will carry out such activities and the programs for carrying out such activities; and

"(iii) assurances satisfactory to the Secretary that the facility will comply with the requirement under subsection (j).

"(B) FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE.—In the case of an application for a grant available for use for activities under subtitle C—

"(i) a description of the eligible activities to be assisted, to the extent available at the time;

"(ii) in the case of a grant for a facility assisted under paragraph (1) or (2) of section 421(a), assurances satisfactory to the Secretary that the facility will comply with the requirement under subsection (j);

"(iii) in the case of a grant for a supportive housing facility assisted under this title that does not receive assistance under paragraph (1) or (2) of section 421(a), annual assurances during the period specified in the application that the facility will be operated for the purpose specified in the application for such period; and

"(iv) in the case of a grant for a supportive housing facility, reasonable assurances that the project sponsor will own or have control of a site not later than the expiration of the 12-month period beginning upon notification of an award of grant assistance, unless the application proposes providing supportive housing assisted under section 421(a)(3) or housing that will eventually be owned or controlled by the families and individuals served; except that a project sponsor may obtain ownership or control of a suitable site different from the site specified in the application.

"(C) ALL GRANTS.—In the case of an application for any grant under this title—

"(i) a description of the size and characteristics of the population, including specific references to populations with special needs, that will be served by the eligible activities assisted with grant amounts;

"(ii) a description of the public and private resources that are expected to be made available in connection with grant amounts provided;

"(iii) a description of the process to be used in compliance with section 404(b) to select eligible activities to be assisted and project sponsors;

"(iv) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

"(v) a statement of whether the applicant will or will not include, as a portion of its supplementation amount required under section 407(a), the cost or value of donated services.

"(b) REQUIRED AGREEMENTS.—The Secretary may not provide a grant under this title for any applicant unless the applicant agrees—

"(1) to ensure that the eligible activities carried out with grant amounts will be carried out in accordance with the provisions of this title;

"(2) to conduct an ongoing assessment of the supportive services required by homeless persons assisted by the eligible activities and the availability of such services to such persons;

"(3) in the case of grant amounts to be used under subtitle C for a supportive housing facility or an emergency shelter, to ensure the provision of such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents and users of the facility or shelter;

"(4) to monitor and report under section 431 to the Secretary on the progress of the eligible activities carried out with grant amounts;

"(5) to develop and implement procedures to ensure—

"(A) the confidentiality of records pertaining to any individual provided family violence prevention or treatment services through any activities assisted with grant amounts; and

"(B) that the address or location of any family violence shelter facility assisted with grant amounts will not be made public, except with written authorization of the person or persons responsible for the operation of such facility;

"(6) to the maximum extent practicable, to involve homeless persons and families, through employment, volunteer services, or otherwise, in carrying out eligible activities assisted with grant amounts; and

"(7) to comply with such other terms and conditions as the Secretary may establish to carry out this title in an effective and efficient manner.

"(c) OCCUPANCY CHARGE.—Any homeless person or family residing in a dwelling unit assisted under this title may be required to pay an occupancy charge in an amount determined by the grantee providing the assistance, which may not exceed an amount equal to 30 percent of the adjusted income (as such term is defined in section 3(b) of the United States Housing Act of 1937 or any other subsequent provision of Federal law defining such term for purposes of eligibility for, or rental charges in, public housing) of the person or family. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

"(d) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted with grant amounts provided under this title shall be no more restrictive than the standards applicable under Executive Order No. 11988 (42 U.S.C. 4321 note; relating to floodplain management) to the other programs in effect under this title immediately before the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(e) PARTICIPATION OF CITIZENS AND OTHERS.

"(1) IN GENERAL.—Each grantee shall—

"(A) each fiscal year, make available to its citizens, public agencies, and other interested parties information concerning the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken with the assistance;

"(B) publish the proposed application in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments on it;

"(C) each fiscal year, hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the jurisdiction; and

"(D) provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of any assistance the grantee may have received under this subtitle during the preceding 5 years.

"(2) ELECTRONIC ACCESS.—A grantee may comply with the requirement under subparagraphs (A), (B), and (D) of paragraph (1) by making the information available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely available to the public.

"(3) NOTICE AND COMMENT.—Before submitting any substantial amendment to an application under this Act, a grantee shall provide citizens with reasonable notice of, and opportunity to comment on, the amendment.

"(4) CONSIDERATION OF COMMENTS.—A grantee shall consider any comments or views of citizens in preparing a final application or amendment to an application for submission. A summary of such comments or views shall be attached when an application or amendment to an application is submitted. The submitted application or amendment shall be made available to the public.

"(5) AUTHORITY OF SECRETARY.—The Secretary shall establish procedures appropriate and practicable for providing a fair hearing and timely resolution of citizen complaints related to applications under this subtitle.

"(6) HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each grantee to ensure that each project sponsor assisted by the grantee provides for the participation of not less than 1 homeless person or former homeless person on the board of directors or other equivalent policymaking entity of the project sponsor, to the extent that such sponsor considers and makes policies and decisions regarding any activity, facility, supportive services, or assistance provided with grant amounts under this title. The Secretary shall provide that a grantee may grant waivers to project sponsors unable to meet the requirement under the preceding sentence if the sponsor agrees to otherwise consult with homeless or formerly homeless persons in considering and making such policies and decisions.

"(f) LIMITATION ON USE OF FUNDS.—No grant amounts received under this title (or any funds provided under section 407 or otherwise to supplement such grants) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons.

"(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this title, of any grant amounts under this title used to carry out eligible activities, the grantee or the project sponsor may use for administrative purposes—

"(1) an amount not exceeding 5 percent of such grant amount; or

"(2) if the grantee implements use of a standardized homeless database management system to record and assess data on the usage of homeless housing, services, and client needs, and on the number of and other information related to populations with special needs, an amount not exceeding 7.5 percent of such grant amount.

"(h) HOUSING QUALITY.—

"(1) REQUIREMENT.—Assistance may not be provided with grant amounts made available for use under this title for any permanent housing development, dwelling unit, supportive housing facility, or emergency shelter that fails to comply with the housing quality standards applicable under paragraph (2) in the jurisdiction in which the housing is located, unless the deficiency is promptly corrected and the project sponsor verifies the correction.

"(2) APPLICABLE STANDARDS.—The housing quality standards applicable under this subsection to any permanent housing, dwelling unit, supportive housing facility, or emergency shelter shall be—

"(A) in the case of permanent housing, a unit, facility, or shelter located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of such housing, units, facilities, or shelters that provide protection to residents of the dwellings that is equal to or greater than the protection provided under the housing quality standards established under paragraph (3), such applicable laws, regulations, standards, or codes; or

"(B) in the case of permanent housing, a unit, facility, or shelter located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), the housing quality standards established under paragraph (3).

"(3) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this paragraph that ensure that permanent housing, dwelling units, supportive housing facilities, and emergency shelters assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings. The Secretary shall differentiate between major and minor violations of such standards and may establish separate standards for permanent housing, dwelling units, supportive housing facilities, and emergency shelters.

"(i) TERMINATION OF ASSISTANCE.—If a person or family (not including residents of an emergency shelter) who receives assistance under this title violates program requirements, the project sponsor may terminate assistance in accordance with a formal process established by such sponsor that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

"(j) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each housing facility assisted under subtitle B or subtitle C shall be operated as housing for the purpose specified in the application for assistance with amounts under this title for not less than 20 years after such facility is initially placed in service pursuant to such assistance.

"(B) EXCEPTIONS.—

"(i) INABILITY TO OPERATE FACILITY.—If, within such 20-year period, the need for maintaining the facility as housing for the purpose specified in the application for assistance ceases to exist (as determined by the Secretary pursuant to a recommendation by the chief executive officer of the appropriate unit of general local government or project sponsor, taking into consideration the comprehensive housing affordability strategy of the jurisdiction), or the project sponsor is unable to operate the facility as supportive housing, the facility may be used as affordable housing (in accordance with section 215 of the Cranston-Gonzalez National Affordable Housing Act).

"(ii) APPLICABILITY OF OTHER PROGRAM RESTRICTION.—If the housing facility receives assistance under any other Federal program (including assistance under section 42 of the Internal Revenue Code of 1986) for low-income families, homeless persons, or any other use consistent with assistance under this title, and the use restriction under such program is less than 20 years, the restriction under such program shall apply.

"(2) OTHER ASSISTANCE.—Each housing facility assisted under subtitle C shall be operated for the purposes specified in the application for assistance with amounts under this title for the duration of the period covered by the grant.

"(3) CONVERSION.—Notwithstanding paragraphs (1) and (2), if the Secretary determines that a housing facility is no longer needed for use as housing for the purposes specified in the application for assistance and approves the use of the facility for the direct benefit of low-income persons pursuant to a request for such use by the project sponsor, the Secretary may authorize the sponsor to convert the facility to such use.

"(k) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

"(1) REPAYMENT.—If a facility assisted under subtitle B or subtitle C violates the requirement under subsection (j)(1)(A) or (j)(1)(B)(ii) of this section during the 10-year period beginning upon placement of the facility in service pursuant to such assistance, the Secretary shall require the grantee to repay to the Secretary 100 percent of any grant amounts received for such facility under such paragraph. If such a facility violates such requirement after such 10-year period, the Secretary shall require the grantee to repay the percentage of any grant amounts received for such facility that is equal to 100 percent minus 10 percent for each year in excess of 10 that the facility is operated as supportive housing.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), upon any sale or other disposition of a facility assisted under subtitle B or C occurring before the expiration of the 20-year period beginning on the date that the facility is placed in service, the project sponsor shall comply with such terms and conditions as the Secretary may prescribe to prevent the sponsor from unduly benefiting from such sale or disposition.

"(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any sale or disposition of a facility that results in the use of the facility for the direct benefit of very low-income families if all of the proceeds are used to provide housing meeting the requirements of subtitle B or C.

"(4) FAILURE TO OBTAIN SITE.—If a grantee of assistance made available for use under this title obligates assistance for a housing facility other than a facility under section 421(a)(3) or housing that will eventually be owned or controlled by the families and individuals served, and the project sponsor fails to obtain ownership or control of a suitable site for a proposed supportive housing facility during the 12-month period beginning upon the notification of an award of grant assistance, the grantee shall recapture the assistance and make such assistance available under this subtitle.

"(l) LOCAL BOARDS.—

"(1) ESTABLISHMENT AND FUNCTION.—The head of the executive branch of government of each grantee shall establish and appoint members to a local board, which shall assist the jurisdiction in—

"(A) determining whether the grant should be administered by the jurisdiction, a public agency, a private nonprofit organization, the State, or the Secretary;

"(B) developing the application under section 408;

"(C) overseeing the activities carried out with assistance under this title; and

"(D) preparing the performance report under section 431.

"(2) COMPOSITION OF LOCAL BOARDS.—

"(A) NOMINATION.—Members of a local board appointed to meet the requirements of subparagraph (D) shall be nominated by persons, other than governmental officials or entities, that represent the groups listed in subparagraph (D).

"(B) PRIORITY.—Persons who will improve access to a broad range of services for homeless persons and who are sensitive to the varying needs of homeless persons, including veterans, the mentally ill, families with children, young persons, battered spouses, victims of substance abuse, and persons with AIDS, shall be given preference when selecting local board members.

"(C) COMMUNITY SUPPORT CONSIDERED.—In appointing members to the local board, the chief executive of each grantee shall consider the extent of support for the nominee in the community which the board shall serve.

"(D) MAJORITY.—Not less than 51 percent of the members of a local board shall be composed of—

"(i) homeless or formerly homeless persons;

"(ii) persons who act as advocates for homeless persons; and

"(iii) persons who provide assistance to homeless persons, including representatives of local veterans organizations and veteran service providers who assist homeless veterans.

"(E) OTHER LOCAL BOARD MEMBERS.—After the requirements of subparagraph (D) are met, other members of a local board shall be chosen from—

"(i) members of the business community of the jurisdiction receiving the grant;

"(ii) members of neighborhood advocates in the jurisdiction receiving the grant; and

"(iii) government officials of the jurisdiction receiving the grant.

"(3) WAIVER OF REQUIREMENTS FOR LOCAL BOARD.—The Secretary may waive the requirements of this subsection if the jurisdiction has an existing board that substantially meets the requirements of this subsection.

"(m) COORDINATION OF HOMELESS PROGRAMS.—

"(1) PURPOSE.—The purpose of the consultation and coordination required under this subsection is to provide various services, activities, and assistance for homeless persons and families in an efficient, effective, and targeted manner designed to meet the comprehensive needs of the homeless.

"(2) IN GENERAL.—The Chairperson of the Interagency Council on the Homeless shall consult and coordinate with the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Agriculture and shall ensure that assistance for federally funded activities for the homeless is made available, to the greatest extent practicable, in conjunction and coordination with assistance for other federally funded activities for the homeless and with assistance under this title.

"(3) REQUIREMENTS FOR HOUSING ASSISTANCE.—The Secretary shall establish such requirements as the Secretary considers necessary to ensure that grant amounts provided under this title are used by grantees and project sponsors, to the greatest extent practicable, in coordination and in conjunction with federally funded activities for the homeless.

"(4) DEFINITION.—For purposes of this subsection, the term 'federally funded activities for the homeless' means activities to assist homeless persons, including homeless veterans, or homeless families that are funded (in whole or in part) with amounts provided by the Federal Government (other than

amounts provided under this title) and includes—

"(A) the programs for health care under sections 340 and part C of title V of the Public Health Service Act;

"(B) the programs for education, training and community services under title VII of the Stewart B. McKinney Homeless Assistance Act;

"(C) food assistance for homeless persons and families through the food programs under the Food Stamp Act of 1977 and the Emergency Food Assistance Act of 1983;

"(D) the job training, housing, and medical programs for homeless veterans of the Department of Veterans Affairs;

"(E) the job corps centers for homeless families program under section 433A of the Job Training Partnership Act;

"(F) the program for preventive services for children of homeless families or families at risk of homelessness under title III of the Child Abuse Prevention and Treatment Act;

"(G) the programs under the Runaway and Homeless Youth Act; and

"(H) assistance for homeless persons, including homeless veterans, and families under State programs funded under supplemental security income programs under part A of title IV or under title XVI of the Social Security Act.

"(5) COMPANION SERVICES BLOCK GRANTS IN CASES OF FAILURE TO COMPLY.—

"(A) IN GENERAL.—If, for any fiscal year, the Chairperson of the Interagency Council on the Homeless determines that adequate coordination has not taken place to ensure that assistance for federally funded activities for the homeless is made available in conjunction and coordination with assistance under this title (as required under paragraph (2)), the Chairperson of the Interagency Council on the Homeless and the Secretary, in consultation with the Interagency Council on the Homeless, shall carry out a program under subparagraph (B) to make companion services block grants available for such fiscal year.

"(B) COMPANION SERVICE BLOCK GRANTS.—The block grant program under this subparagraph shall provide block grants, using amounts available pursuant to subparagraph (C), to eligible grantees under this title to provide services of the type available under the programs referred to in paragraph (4) in connection with housing assistance under this title.

"(C) FUNDING.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, in any fiscal year in which block grants are to be provided in accordance with subparagraph (A), there shall be available for such block grants, of the amount made available for such fiscal year for each activity referred to in paragraph (4), 10 percent of such amount, as determined by the Secretary and the Interagency Council on the Homeless.

"(ii) LIMITATION.—Notwithstanding clause (i), the aggregate amount available for companion services block grants under this paragraph for a fiscal year shall not exceed the total amount made available pursuant to section 435 for housing assistance under this title. If, for any fiscal year, the amount determined under clause (i) exceeds such amount, the Secretary shall reduce the percentage under clause (i) for such year so that the aggregate amount made available for companion services block grants under this paragraph from the amounts for each activity referred to in paragraph (4) is equal to the total amount made available pursuant to section 435 for housing assistance under this title.

"(D) TRANSFER AUTHORITY.—Except to the extent that the authority of the Secretary and the Chairperson of the Interagency Council on the Homeless is limited by appropriations, and with the concurrence of the head of the affected agency and upon advance approval of the Committees on Appropriations and the authorizing committees of the House of Representatives and the Senate, the Secretary and the Chairperson of the Interagency Council on the Homeless shall transfer funds made available under subparagraph (C) to the companion services block grant for federally funded activities, functions, or programs for the homeless.

"(E) REPORT.—Not later than the first quarter of the first full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act and each quarter thereafter, the Secretary and the Chairperson of the Interagency Council on the Homeless shall report to Congress on—

"(i) the need for any reprogramming or transfer of funds appropriated for federally funded activities, functions, or programs for the homeless; and

"(ii) any funds appropriated for federally funded activities, functions, or programs for the homeless that were reprogrammed or transferred during the quarter covered by the report.

"(n) CONSULTATION REGARDING USE OF NATIONAL GUARD FACILITIES AS HOMELESS SHELTERS.—The Secretary may not provide a grant for a fiscal year from amounts for such year allocated under section 406(c) for use under subtitle C for a State unless the State has consulted with the Secretary regarding the possibility of making any space at National Guard facilities under the jurisdiction of the State available, during such fiscal year, for use by homeless organizations to provide shelter to homeless persons, but only at the times that such space is not actively being used for National Guard purposes or other public purposes already undertaken.

"SEC. 409. SUPPORTIVE SERVICES.

"(a) REQUIREMENT.—To the extent allowed by this title, each project sponsor administering permanent housing development assistance provided with amounts under this title or a supportive housing facility or emergency shelter assisted with such amounts shall provide supportive services for residents of the dwelling units or facility or shelter assisted. The array of supportive services provided may be designed by the grantee or the project sponsor administering the assistance, facility, or shelter. A project sponsor administering a supportive housing facility shall provide supportive services for other homeless persons using the facility.

"(b) TARGETING POPULATIONS WITH SPECIAL NEEDS.—Supportive services provided with grant amounts under this title shall address the special needs of homeless persons (such as homeless persons with disabilities, homeless persons with acquired immunodeficiency syndrome and related diseases, homeless persons who have chronic problems with alcohol or drugs (or both), veterans who are homeless, and homeless families with children) intended to be served.

"(c) SERVICES.—Supportive services may include activities such as—

"(1) establishing and operating a child care services program for homeless families;

"(2) establishing and operating an employment assistance program;

"(3) providing outpatient health services, food, and case management;

"(4) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

"(5) providing security arrangements necessary for the protection of residents of supportive housing or emergency shelters and for homeless persons using supportive housing facilities;

"(6) providing assistance in obtaining other Federal, State, and local assistance available for such residents and persons (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment); and

"(7) providing other appropriate services.

"(d) PROVISION OF SERVICES.—Supportive services provided with grant amounts under this title may be provided directly by the grantee, by the project sponsor administering the permanent housing development assistance or the facility or shelter, or by contract with other public or private service providers. Such services provided in connection with a supportive housing facility may be provided to homeless persons who do not reside in the supportive housing, but only to the extent consistent with the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the applicable jurisdiction.

"SEC. 410. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

"No person in the United States shall on the basis of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual, as provided in section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

"Subtitle B—Permanent Housing Development Activities

"SEC. 411. USE OF AMOUNTS AND GENERAL REQUIREMENTS.

"(a) USE OF AMOUNTS FOR PERMANENT HOUSING DEVELOPMENT.—

"(1) AUTHORIZED USE.—A State, metropolitan city, or urban county that receives a grant under section 402(b)(2) from amounts allocated for use under this subtitle may use grant amounts (and any supplemental amounts provided under section 407) only to carry out permanent housing development activities within such State, metropolitan city, or urban county. For purposes of this subtitle, the term 'permanent housing development activities' means activities to construct, substantially rehabilitate, or acquire structures to provide permanent housing, including the capitalization of a dedicated project account from which long-term assistance payments (which may include operating costs or rental assistance) can be made in order to facilitate such activities, and activities under section 441 of the this Act, as in effect on October 31, 1997 (subject to the limitation in section 406(b)(3) of this Act).

"(2) USE FOR SUPPORTIVE SERVICES PROHIBITED.—Amounts allocated for use under this subtitle may not be used for supportive services activities.

"(b) USE THROUGH NONPROFIT ORGANIZATIONS.—

"(1) IN GENERAL.—A grantee that receives grant amounts for a fiscal year for use under this subtitle may, pursuant to section 404, provide such amounts to units of general local government and private nonprofit organizations for use in accordance with this subtitle, except that the grantee shall ensure

that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations.

"(2) WAIVER OF USE OF NONPROFIT REQUIREMENT.—The Secretary may waive the requirement under paragraph (1) that a grantee ensure that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations if the Secretary determines that there are not sufficient private nonprofit organizations available to the grantee to meet that requirement.

"(c) ADMINISTRATIVE FEE.—To the extent provided in section 408(g), grant amounts provided under this subtitle may be used by the project sponsor providing such assistance for costs of administering such assistance.

"(d) TARGETING POPULATIONS WITH SPECIAL NEEDS.—To the maximum extent practicable, a grantee shall provide for use of grant amounts made available under this subtitle in a manner that provides permanent housing for homeless persons with disabilities, homeless persons with acquired immunodeficiency syndrome or related diseases, homeless persons who have chronic problems with alcohol or drugs (or both), homeless families with children, and veterans who are homeless.

"SEC. 412. PERMANENT HOUSING DEVELOPMENT.

"(a) IN GENERAL.—Housing shall be considered permanent housing for purposes of this title if the housing—

"(1) provides long-term housing for homeless persons;

"(2) complies with any applicable State and local housing codes, licensing requirements, or other requirement in the jurisdiction in which the housing is located, including any applicable State or local requirements regarding the number of occupants in such a facility; and

"(3) complies with the requirement under section 409(a) regarding providing supportive services for homeless persons.

"(b) CLARIFICATION.—Permanent housing may—

"(1) be restricted for occupancy by homeless persons with disabilities;

"(2) consist of or contain full dwelling units or dwelling units that do not contain bathrooms or kitchen facilities; and

"(3) be provided in the form of rental housing, cooperative housing, shared living arrangements, single family housing, or other types of housing arrangements.

"Subtitle C—Flexible Block Grant Homeless Assistance

"SEC. 421. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—Grant amounts allocated for use under this subtitle may be used only for carrying out the following activities:

"(1) ACQUISITION AND REHABILITATION OF SUPPORTIVE HOUSING.—For acquisition or rehabilitation of an existing structure (including a small commercial property or office space) to provide supportive housing other than emergency shelter or to provide supportive services; the repayment of any outstanding debt owed on a loan made to purchase an existing structure for use as supportive housing shall be considered to be a cost of acquisition under this paragraph if the structure was not used as supportive housing or to provide supportive services, before assistance is provided using grant amounts.

"(2) NEW CONSTRUCTION OF SUPPORTIVE HOUSING.—For new construction of a structure to be used as supportive housing.

"(3) LEASING OF SUPPORTIVE HOUSING.—For leasing of an existing structure or structures, or portions thereof, to provide supportive housing or supportive services during the period covered by the application.

"(4) OPERATING COSTS FOR SUPPORTIVE HOUSING.—For covering operating costs of supportive housing (which shall include capital costs for utilizing any interactive computer or telephone services and other electronic information networks and systems appropriate for assisting homeless families); except that grant amounts provided under this subtitle may not be used to cover more than 75 percent of the annual operating costs of such housing.

"(5) HOMELESSNESS PREVENTION.—

"(A) IN GENERAL.—For activities designed to help persons (including veterans who are at risk of becoming homeless) and families avoid becoming homeless, which shall include assistance for making mortgage payments, rental payments, and utility payments and any activities other than those found by the Secretary to be inconsistent with the purposes of this Act.

"(B) PERSONS ELIGIBLE FOR ASSISTANCE.—Assistance under this paragraph may be provided only to very low-income families who have received eviction (or mortgage delinquency or foreclosure) notices or notices of termination of utility services and who—

"(i) are unable to make the required payments due to a sudden reduction in income;

"(ii) need such assistance to avoid homelessness due to the eviction or termination of services; and

"(iii) have a reasonable prospect of being able to resume payments within a reasonable period of time.

"(C) LIMITATION.—Assistance under this paragraph may be provided only if such assistance will not supplant funding for preexisting homelessness prevention activities from other services.

"(6) PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—For providing permanent housing development activities as described in subtitle B.

"(7) EMERGENCY SHELTER.—For—

"(A) renovation, major rehabilitation, or conversion of a building or buildings to be used as emergency shelters;

"(B) covering costs of supportive services in connection with an emergency shelter, if such services do not supplant any services provided by the local government during any part of the 12-month period ending on the date of the commencement of the operation of the emergency shelter; and

"(C) covering costs relating to maintenance, operation, insurance, utilities, and furnishings for emergency shelters.

"(8) SUPPORTIVE SERVICES.—To the extent provided in section 406, for covering costs of supportive services provided to homeless persons in connection with a permanent or supportive housing facility or otherwise.

"(9) TECHNICAL ASSISTANCE.—For technical assistance in carrying out the purposes of this title, except that the Secretary may provide such technical assistance directly to any grantee, including nonprofit sponsors who are proposing project applications for populations with special needs.

"(b) USE FOR HOUSING ACTIVITIES.—Of the aggregate of any grant amounts provided to a grantee for a fiscal year for use under this subtitle and the supplemental amounts provided for such fiscal year by the grantee in accordance with section 407, the grantee shall ensure that an amount that is not less than such grant amounts (less any amount used pursuant to section 408(g)) is used for eligible activities described in paragraphs (1) through (6) of subsection (a).

"SEC. 422. USE OF AMOUNTS THROUGH PRIVATE NONPROFIT PROVIDERS.

"(a) IN GENERAL.—In each fiscal year, each grantee of amounts for use under this subtitle shall ensure that more than 50 percent of the amounts received by the grantee for such fiscal year are used for carrying out eligible activities under section 421 through project sponsors that are private nonprofit organizations.

"(b) WAIVER.—The Secretary may waive the requirement under subsection (a) that a grantee ensure that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations if the Secretary determines that there are not sufficient private nonprofit organizations available to the grantee to meet that requirement.

"SEC. 423. SUPPORTIVE HOUSING.

"(a) IN GENERAL.—Housing shall be considered supportive housing for purposes of this subtitle if—

"(1) the housing complies with the requirement under section 409(a) regarding providing supportive services for homeless persons;

"(2) the housing complies with any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and

"(3) the housing—

"(A) is transitional housing; or

"(B) is permanent supportive housing as described in section 412.

"(b) TRANSITIONAL HOUSING.—For purposes of this section, the term 'transitional housing' means housing, the purpose of which is to facilitate the movement of homeless persons and families to permanent housing within 24 months or such longer period as the Secretary determines necessary. Assistance may be denied for housing based on a violation of this subsection only if a substantial number of homeless persons or families have remained in the housing longer than such period.

"(c) SINGLE ROOM OCCUPANCY DWELLINGS.—For purposes of this section, a facility may provide supportive housing or supportive services in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in facilities containing some or all such dwelling units.

"(d) SAFE HAVEN HOUSING.—For purposes of this section, supportive housing may be a structure or a clearly identifiable portion of a structure that—

"(1) provides housing and low-demand services and referrals for homeless persons with serious mental illness—

"(A) who are currently residing primarily in places not designed for, or ordinarily used as, regular sleeping accommodations for human beings; and

"(B) who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services; except that a person whose sole impairment is substance abuse shall not be considered an eligible person;

"(2) provides 24-hour residence for eligible individuals who may reside for an unspecified duration;

"(3) provides private or semi-private accommodations;

"(4) may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

"(5) may provide supportive services to eligible persons who are not residents on a drop-in basis; and

"(6) provides occupancy limited to no more than 25 persons.

"SEC. 424. EMERGENCY SHELTER.

"(a) IN GENERAL.—A facility shall be considered emergency shelter for purposes of this subtitle if the facility is designed to provide overnight sleeping accommodations for homeless persons and complies with the requirements under this section. An emergency shelter may include appropriate eating and cooking accommodations.

"(b) REQUIREMENTS.—Grant amounts under this subtitle may be used for eligible activities under section 421(a)(7) relating to emergency shelter only if—

"(1) the Secretary determines that—

"(A) use of such amounts is necessary to meet the emergency shelter needs of the jurisdiction in which the facility is located; and

"(B) the use of such amounts for such activities will not violate the prohibition under section 408(f); and

"(2) the project sponsor agrees that it will—

"(A) in the case of assistance involving major rehabilitation or conversion of a building, maintain the building as a shelter for homeless persons and families for not less than a 10-year period unless, within such 10-year period, the need for maintaining the building as a full-time shelter ceases to exist and the building is used for the remainder of such period to carry out other eligible activities under this subtitle;

"(B) in the case of assistance involving rehabilitation (other than major rehabilitation or conversion of a building), maintain the building as a shelter for homeless persons and families for not less than a 3-year period;

"(C) in the case of assistance involving only activities described in subparagraphs (B) and (C) of section 421(a)(7), provide services or shelter to homeless persons and families at the original site or structure or other sites or structures serving the same general population for the period during which such assistance is provided;

"(D) comply with the standards of housing quality applicable under section 408(h); and

"(E) assist homeless persons in obtaining—

"(i) appropriate supportive services, permanent housing, medical and mental health treatment (including information and counseling regarding the benefits and availability of child immunization), counseling, supervision, veterans benefits, and other services essential for achieving independent living; and

"(ii) other Federal, State, local, and private assistance available for homeless persons.

"Subtitle D—Reporting, Definitions, and Funding

"SEC. 431. PERFORMANCE REPORTS BY GRANTEES.

"(a) REQUIREMENT.—For each fiscal year, each grantee under this title shall review and report, in a form acceptable to the Secretary, on the progress it has made during such fiscal year in carrying out the activities described in the application resulting in such grant and the relationship of such activities to the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the applicable jurisdiction.

"(b) CONTENT.—Each report under this section for a fiscal year shall—

"(1) describe the use of grant amounts provided to the grantee for such fiscal year;

"(2) to the extent practicable until the development of a reasonable methodology by the Secretary and the Interagency Council on the Homeless, describe the number of homeless persons and families, including populations with special needs provided shelter, housing, or assistance using such grant amounts;

"(3) assess the relationship of such use to the goals identified pursuant to section 105(b)(2) of the Cranston-Gonzalez National Affordable Housing Act in the comprehensive housing affordability strategy for the applicable jurisdiction;

"(4) indicate the grantee's programmatic accomplishments;

"(5) describe how the grantee would change its programs as a result of its experiences; and

"(6) describe any delays that occurred in the start up of programs and the reason for each delay.

"(c) SUBMISSION.—The Secretary shall establish dates for submission of reports under this section and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this title. The Secretary may withhold or reallocate funds granted to a grantee if the Secretary finds that the grantee has complied with applicable program requirements, but not substantially complied with the application that the grantee submitted to obtain such funds.

"(d) PUBLIC AVAILABILITY.—

"(1) IN GENERAL.—A grantee preparing a report under this section shall make the report publicly available to the citizens in the jurisdiction of the grantee in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the grantee may determine. The report shall include a summary of any such comments received by the grantee regarding its program.

"(2) ELECTRONIC ACCESS.—A grantee may comply with the requirement under paragraph (1) by making the report available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely publicly available. The Secretary shall make each final report submitted under this section publicly available through such a computer, telephone, or information service, network, or system.

"(e) AUTHORITY OF SECRETARY.—The Secretary shall establish procedures appropriate and practicable for providing a fair hearing and timely resolution of citizen complaints related to performance reports under this section.

"SEC. 432. ANNUAL REPORT BY SECRETARY.

"The Secretary shall include in the annual report, under section 8 of the Department of Housing and Urban Development Act, information summarizing the activities carried out under this title and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. Such information shall be made publicly available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely available to the public.

"SEC. 433. DEFINITIONS.

"For purposes of this title, the following definitions shall apply:

"(1) APPLICANT.—The term 'applicant' means an eligible grantee that submits an application under section 408(a) for a grant under this title.

"(2) ELIGIBLE GRANTEE.—The term 'eligible grantee' is defined in section 403.

"(3) FACILITY.—The term 'facility' means a structure or structures (or a portion of such structure or structures) that are assisted through eligible activities under subtitle C with grant amounts under this title (or for which the Secretary provides technical assistance under section 421(a)(9)).

"(4) GRANTEE.—The term 'grantee' means an applicant that receives a grant under this title.

"(5) INSULAR AREA.—The term 'insular area' means each of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

"(6) METROPOLITAN CITY, CONSORTIUM.—The term 'metropolitan city' has the meaning given that term in section 102 of the Housing and Community Development Act of 1974. A consortium of units of general local governments shall be considered to be a metropolitan city—

"(A) for amounts allocated in accordance with section 406(c)(3), only if the consortium received a formula grant for fiscal year 1996 or 1997 under subtitle B of this title, as then in effect; and

"(B) for amounts allocated in accordance with any formula developed pursuant to section 406(c)(5), only if the Secretary determines that the consortium—

"(i)(I) is comprised of units of general local government which are geographically contiguous (which may include all units of general local government within a State);

"(II) has sufficient authority and administrative capability to carry out the purposes of this title on behalf of its member jurisdictions; and

"(III) will, according to a written certification by the State (or States, if the consortium includes jurisdictions in more than one State) in which its member jurisdictions are located, direct its activities to alleviation of homelessness problems within the State (or States); or

"(ii) received a formula grant for fiscal year 1996 or 1997 under subtitle B of this title, as then in effect.

"(7) NONENTITLEMENT AREA.—The term 'nonentitlement area' means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes or insular areas.

"(8) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a grantee operating supportive housing assisted with grant amounts under this title, with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

"(B) utilities, fuel, furnishings, and equipment for such housing; and

"(C) the conducting of the assessment under section 408(b)(2).

"(9) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management.

"(10) PERSON WITH DISABILITIES.—The term 'person with disabilities' means a person who—

"(A) has a disability as defined in section 223 of the Social Security Act;

"(B) is determined to have, pursuant to regulations issued by the Secretary, a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes an individual's ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

"(C) has a developmental disability as defined in section 102 of the Developmental

Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

"(11) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization that—

"(A) is organized under State or local laws;

"(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) has among its purposes significant activities related to the provision of—

"(i) decent housing that is affordable to low-income and moderate-income families; or

"(ii) shelter, housing, or services for homeless persons or families or for persons or families at risk of becoming homeless.

"(12) PROJECT SPONSOR.—The term 'project sponsor' means an entity that uses grant amounts under this title to carry out a permanent housing development program under subtitle B or eligible activities under subtitle C. The term includes a grantee carrying out such a program or activities.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(14) STATE.—The term 'State' means each of the several States and the Commonwealth of Puerto Rico.

"(15) SUPPORTIVE HOUSING.—The term 'supportive housing' means a facility that meets the requirements of section 423.

"(16) SUPPORTIVE SERVICES.—The term 'supportive services' means services under section 409.

"(17) URBAN COUNTY, UNIT OF GENERAL LOCAL GOVERNMENT.—The terms 'urban county' and 'unit of general local government' have the meanings given the terms in section 102 of the Housing and Community Development Act of 1974.

"(18) VERY LOW-INCOME FAMILIES.—The term 'very low-income families' has the same meaning given the term under section 3(b) of the United States Housing Act of 1937 (or any other subsequent provision of Federal law defining such term for purposes of eligibility for, or rental charges in, public housing).

"SEC. 434. REGULATIONS.

"(a) ISSUANCE.—Not later than the expiration of the 30-day period beginning upon the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, the Secretary shall issue interim regulations to carry out this title. The Secretary shall issue final regulations to carry out this title after notice and opportunity for public comment regarding the interim regulations in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), but not later than the expiration of the 90-day period beginning upon the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations under this section shall not affect the effectiveness of any provision of this title pursuant to section 4(b) of the Homeless Housing Programs Consolidation and Flexibility Act.

"SEC. 435. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for grants under this title $1,000,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) PROHIBITION ON SET ASIDES.—Notwithstanding any other provision of law, any attempt to put any restriction on the use of funds appropriated for this title (such as for use in special projects) shall be considered an appropriation without authorization and shall be without force or effect.".

(b) APPLICABILITY.—The provisions of the amendment made by subsection (a) shall apply with respect to fiscal year 1998 and each fiscal year thereafter.

SEC. 6. INTERAGENCY COUNCIL ON THE HOMELESS.

(a) CHAIRPERSON AND VICE CHAIRPERSON.—Section 202(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(b) is amended to read as follows:

"(b) CHAIRPERSON AND VICE CHAIRPERSON.—

"(1) CHAIRPERSON.—The Council shall elect a Chairperson from among its members, who shall have a term of 2 years. A member of the Council by reason of any of paragraphs (1) through (16) of subsection (a) who serves as Chairperson for a term may not be elected to serve as Chairperson for the succeeding term. The preceding sentence shall not apply to any member serving as Chairperson on the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Council shall have a term of 2 years and shall be—

"(A) the Secretary of Housing and Urban Development, if such Secretary is not elected as the Chairperson of the Council; or

"(B) elected by the Council from among its members, if the Secretary of Housing and Urban Development is elected as the Chairperson of the Council.

"(3) Notwithstanding paragraphs (1) and (2), the first Chairperson elected after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act may not be the Secretary of Housing and Urban Development.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"Of any amounts made available in any fiscal year to carry out this Act, 0.0012 of such amounts shall be available to carry out this title.".

(c) TERMINATION.—Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1994" and inserting "October 1, 2002".

(d) REPEAL.—Section 210 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320) is hereby repealed.

SEC. 7. INVENTORY OF FEDERAL FACILITIES SUITABLE FOR OVERNIGHT SHELTER FOR HOMELESS PERSONS.

(a) IDENTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall request, from the head of each executive agency, information that identifies each covered facility (or any parts thereof) under the control of the executive agency that is suitable for use as temporary overnight shelter for homeless persons.

(b) CONSULTATION.—At the request of the head of any executive agency, the Secretary shall consult with such agency head regarding whether facilities of the agency, or a particular facility or facilities, are covered facilities or are suitable for use as temporary overnight shelter for homeless persons.

(c) COMPILATION AND PUBLICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall compile the information submitted pursuant to subsection (a) and cause the compiled information to be published in the Federal Register a list of all covered facilities identified as suitable for use as temporary overnight shelter for homeless persons.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COVERED FACILITY.—The term "covered facility" means any building, structure, land, or other real property that, in the determination of the head of the Federal agency having control of the property, using standards that shall be established by the Secretary, reasonably could be made available for the use described in subsection (a) without substantial conflict with any other existing, expected, or potential use of the property to carry out the mission of the agency.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(3) HOMELESS PERSON.—The term "homeless person" has the meaning given such term in section 102 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 8. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are hereby repealed:

(1) INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION.—Section 2 of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note).

(2) FHA SINGLE FAMILY PROPERTY DISPOSITION FOR HOMELESS USE.—Section 1407 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 4034).

(3) HOUSING FOR RURAL HOMELESS AND MIGRANT FARMWORKERS.—Subsection (k) of section 516 of the Housing Act of 1949 (42 U.S.C. 1486(k)).

(b) TERMINATION OF SRO ASSISTANCE PROGRAM.—Section 8(e)(2) of the United States Housing Act of 1937 shall not be in effect on or after the date of the enactment of this Act as provided in subsections (a)(4) and (b)(2) of section 289 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12839).

(c) CONFORMING AMENDMENTS TO YOUTHBUILD PROGRAM.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) in section 455(b) (42 U.S.C. 12899d(b)) by inserting "subtitle C of" before "title IV"; and

(2) in section 457(4) (42 U.S.C. 12899f(4)), by striking "section 103" and inserting "section 102".

(d) CLERICAL AMENDMENT.—The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act is amended by striking the items relating to titles I, II, III, and IV (including the items relating to the subtitles, parts, and sections of such titles) and inserting the following new items:

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Short title and table of contents.

"Sec. 102. General definition of homeless individual.

"Sec. 103. Funding availability and limitations.

"Sec. 104. Annual program summary by Comptroller General.

"TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

"Sec. 201. Establishment.

"Sec. 202. Membership.
"Sec. 203. Functions.
"Sec. 204. Director and staff.
"Sec. 205. Powers.
"Sec. 206. Transfer of functions.
"Sec. 207. Definitions.
"Sec. 208. Authorization of appropriations.
"Sec. 209. Termination.

"TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

"Subtitle A—Administrative Provisions

"Sec. 301. Emergency Food and Shelter Program National Board.
"Sec. 302. Local boards.
"Sec. 303. Role of Federal Emergency Management Agency.
"Sec. 304. Records and audit of National Board and grantees of assistance.
"Sec. 305. Annual report.

"Subtitle B—Emergency Food and Shelter Grants

"Sec. 311. Grants by the Director.
"Sec. 312. Retention of interest earned.
"Sec. 313. Purposes of grants.
"Sec. 314. Limitation on certain costs.
"Sec. 315. Disbursement of funds.
"Sec. 316. Program guidelines.

"Subtitle C—General Provisions

"Sec. 321. Definitions.
"Sec. 322. Authorization of appropriations.

"TITLE IV—PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

"Subtitle A—General Provisions

"Sec. 401. Purpose; performance measures.
"Sec. 402. Grant authority.
"Sec. 403. Eligible grantees.
"Sec. 404. Use of project sponsors.
"Sec. 405. Comprehensive housing affordability strategy compliance.
"Sec. 406. Allocation and availability of amounts.
"Sec. 407. Matching funds requirement.
"Sec. 408. Program requirements.
"Sec. 409. Supportive services.
"Sec. 410. Nondiscrimination in programs and activities.

"Subtitle B—Permanent Housing Development Activities

"Sec. 411. Use of amounts and general requirements.
"Sec. 412. Permanent housing development.

"Subtitle C—Flexible Block Grant Homeless Assistance

"Sec. 421. Eligible activities.
"Sec. 422. Use of amounts through private nonprofit providers.
"Sec. 423. Supportive housing.
"Sec. 424. Emergency shelter.

"Subtitle D—Reporting, Definitions, and Funding

"Sec. 431. Performance reports by grantees.
"Sec. 432. Annual report by Secretary.
"Sec. 433. Definitions.
"Sec. 434. Regulations.
"Sec. 435. Authorization of appropriations.".

SEC. 9. SAVINGS PROVISION.

Nothing in this Act may be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement entered into before the date of the enactment of this Act under any provision of law repealed or amended by this Act.

SEC. 10. TREATMENT OF PREVIOUSLY OBLIGATED AMOUNTS.

Notwithstanding the amendment or repeal of any provision of law by this Act, any amounts appropriated to carry out the provisions so amended or repealed that are obligated before the date of the enactment of this Act shall be used in the manner provided, and subject to any requirements and agreements entered into, under such provisions as such provisions were in effect immediately before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume, and I would begin by thanking the gentleman from Massachusetts (Mr. KENNEDY), the ranking member on the committee, for his cooperation throughout the process. I will have more to say about him later, because I think this product is largely an effort of cooperation between the two sides, and I am proud of that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the great chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time, and let me just say that this particular bill, which is a homeless housing consolidation act, was introduced by our distinguished chairman of the Subcommittee on Housing of the Committee on Banking and Financial Services, the gentleman from New York (Mr. LAZIO). It has received a great deal of partisan input, led by the gentleman from Massachusetts (Mr. KENNEDY), and a number of refinements from the administration and Mr. Cuomo, Secretary of HUD.

I personally think it is a common sense, thoughtful, constructive way to proceed with homeless housing. It represents a commitment of Congress to this arena of public concern, which is one of the most extraordinary in this country at this time. For a country the size of ours to have the depth of our problems is clearly a national embarrassment that takes a great deal of national commitment to overcome.

I would just like to suggest to my colleagues that this is one of these kinds of bills that has had the input of lots of parties and certainly the gentleman from Massachusetts, in his support, symbolizes that; but the gentleman from New York, again, this distinguishes him as one of the preeminent subcommittee chairmen of the House, and I am very appreciative of his leadership on this issue.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume to say, first and foremost, that I would like to again commend the chairman of the Subcommittee on Housing and let him know what a great job I think he has done on this bill and look forward to a strong vote on this bill in a few minutes.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the new ranking member. I think this is his first time on the House floor as the ranking member of our Committee on Banking and Financial Services, and we all appreciate the dedication and support he has shown not only to housing but in looking out for working families across the board.

□ 1430

Mr. LAFALCE. Mr. Speaker, I am so pleased my first occasion speaking as the ranking Democrat is on behalf of H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, because I cannot think of any issue that is more important to our committee and to the House, and I cannot think of any bill that I am more supportive of.

Taking on the housing problems of the homeless can often be a thankless task. That is why I would like to start by giving special recognition to the efforts of the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), the chairman and ranking member of the Subcommittee on Housing and Community Opportunity. Both of the gentlemen have a shared commitment to improving the housing condition of all Americans, and the two have crafted a bipartisan bill to address an issue that could have been polarized, could have been politicized. It gives me hope that we might move other essential housing reform bills ready for conference in an equally collegial fashion.

The bill before us, however, is not only the product of compromise across the aisle. Advocates for homeless providers, homeless persons and State and local governments have also compromised in an effort to move this bill. It is a good compromise, one that includes a number of long-needed reforms.

For one, the bill redirects a recent trend away from developing permanent housing to funding supportive service programs. Certainly we recognize that the service needs of formerly homeless persons and families run deep. But if permanent affordable housing is unavailable, providing services is meaningless. H.R. 217 addresses this problem by preserving 30 percent of the annual appropriation for permanent housing development, and discourages States and localities from using more than 35 percent of their grant for services.

Equally important is the bill's authorization level of $1 billion, $177 million more than the current appropriation of $823 million. I am hopeful this level will send a strong message to the appropriators that the homeless funding level of the last 4 years has been and is insufficient.

Reductions in SSI and food stamps have already put an additional strain on our already overburdened emergency shelters. With time limits on welfare assistance looming before us, there is increased pressure to invest in homeless prevention and emergency housing programs as well as affordable housing development. Despite the fact that our housing delivery system is becoming increasingly more efficient and effective, it cannot sustain all these new and looming pressures without additional resources. So I appeal to the appropriators to recognize the increased needs in our communities, as the authorizing committee has done, and give some relief to an already overburdened system.

Again, I urge all Members to support the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) in supporting H.R. 217.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding. On behalf of the majority, I would like to speak out of order for a few seconds simply to congratulate the minority in their thoughtfulness in designating the gentleman from New York (Mr. LAFALCE) as the new ranking member. Speaking personally, he is not only a wonderful friend but his background in all the issues before the Committee on Banking and Financial Services is unparalleled and unmatched. We are very honored to work with him and we look forward to that prospect.

Mr. LAZIO of New York. Mr. Speaker, I want to once again thank the gentleman from Iowa (Mr. LEACH), the chairman of the committee, for his leadership and his commitment to the needs of low-income families and individuals. Without his help, this bill would not be before us today.

Mr. Speaker, today we embark upon a journey with a worthy destination, an America where no one has to live or die on the streets. Tragically, walking through the streets of many of our cities today, one would see a much different picture than our ideal portrait of an American community. On any one evening in America, say last night, for example, over a half million people, real people with real lives, are homeless. Why? The frustration is that we know what works. We have seen it. It is being done.

Take Julius, for example, who lives at Jeremiah House, a successful housing facility for homeless adults in the shadow of this Capitol. Earlier today the gentleman from Texas (Mr. SESSIONS) and I visited Jeremiah House and spoke to Julius. Julius lived on the streets and in abandoned cars for more than 10 years as a result of drug and alcohol addiction. Today Julius lives at the Jeremiah House, and with the help of his family, he is involved in a substance abuse program, regularly attends church, is enrolled in engineering courses at the University of the District of Columbia, and hopes to receive his Bachelor's degree next year. This, Mr. Speaker, is success.

Although the Federal Government has more than doubled spending on programs designed to address homelessness in the 1990s, hunger and homelessness continue to increase. Families with children comprise more than one-third of today's homeless population. More than 75 percent of homeless adults struggle with mental illness, substance abuse or chronic illness. And at least 25 percent of homeless men are veterans of our armed forces. How can we tolerate their plight? What can be more heart-wrenching than stories of those who fought for our freedom only to find themselves faced with living on the streets when they get back home?

Mr. Speaker, we must ask ourselves one simple question: Do we accept the status quo as inevitable, or must we work harder to find better ways to get better results? Unless we are willing to follow the lead of too many Third World countries where the homeless die alone on streets every day, clearly we must do a better job.

Today we begin to move away from the temporary Band-Aid type solutions of the past. Today we refocus our efforts on preventative strategies and permanent solutions to homelessness. Today we recognize the successes of neighborhood partnerships that link permanent shelter with a strategy of continuing services designed to give the homeless the best chance at self-sufficiency.

This bill, H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, will provide the 21st century framework to restore hope to hundreds of thousands of unsheltered Americans. It will give those on the streets a real chance at reconnecting with society, their friends and their family.

Our legislation consolidates the 7 existing homeless housing programs under HUD into a single, flexible funding stream for States and communities. Decision-making is given to communities and States, and moves away from centralized planning and the Washington-knows-best mentality.

Homelessness, Mr. Speaker, should not be hopelessness. In our bill, some funding is reserved for a permanent housing competitive grant process to transition toward long-term solutions to homelessness. Last year HUD spent only 10 percent of homeless assistance funds to build permanent housing. Let me be clear: Only 10 percent of Federal homeless assistance last year was spent for exactly what the homeless desperately need, homes.

We cannot afford to let bureaucratic barriers stand in the way of proven solutions and the hope that they bring. Our bill requires all Federal departments and agencies to coordinate homeless assistance. In this way, we eliminate the wasteful duplication of resources, close the gap in services and confront homeless issues holistically.

Finally, our legislation encourages partnerships among nonprofit developers, faith-based groups and service agencies to link permanent housing with a continuum of services. By addressing the core issues of homelessness through a concerted community effort, we give the homeless a real chance to reclaim their stake in society and improve their quality of life.

Mr. Speaker, today this House has the unique opportunity to advance not only common-sense public policy, but also policy with compassion for those without the most basic of human necessities, adequate shelter. Government should be about funding programs that work, that are locally controlled, and that empower our most vulnerable citizens. Too often the homeless are trapped in a revolving door from shelters, to the streets, emergency rooms, treatment centers and back again. Our work here today will help break that cycle and begin the process of ending homelessness in America.

Mr. Speaker, I would also mention the committee's efforts to consolidate the homeless assistance programs are strongly supported by a variety of organizations, including the Vietnam Veterans of America; the U.S. Conference of Mayors; the Association of Local Housing Finance Agencies; the National Association of Counties; the National Community Development Association; LISC, the Local Initiatives Support Corporation; the National Alliance to End Homelessness; the National Law Center on Homelessness and Poverty; and many, many others. Mr. Speaker, I include for the RECORD letters of support from these organizations, as follows:

SUPPORTERS OF H.R. 217

Vietnam Veterans of America, Inc.
U.S. Conference of Mayors
The National Alliance to End Homelessness, Inc.
National Association of Counties
National Community Development Association
Association of Local Housing Finance Agencies
Local Initiatives Support Corporation (LISC)
Corporation for Supportive Housing
National Law Center on Homelessness and Poverty

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, February 23, 1998.

Hon. RICK LAZIO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LAZIO: On behalf of the membership of Vietnam Veterans of America (VVA), I write to strongly support passage of

H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act. We feel that the veterans provisions within this bill will greatly assist veterans who are homeless. By increasing access of veterans community-based homeless assistance providers to the HUD homeless funding process, this legislation can facilitate an effective federal response to the national tragedy of disproportionate numbers of veterans among the homeless population.

Homelessness in America is a terrible tragedy. The prevalence of veterans among the homeless population is an even more poignant statement about this tremendous loss of human potential and productivity. As we have discussed with you and your staff, even though widely accepted statistics and analysis show that some 30 percent of the homeless population are veterans. HUD has not been successful in ensuring that it's nearly $1 billion in annual homeless assistance spending appropriately targets these unique needs.

In prior administration's and occasionally even among the current cadre of federal officials, HUD has pointed the finger at VA, essentially saying. "Veterans are their responsibility." But such a policy perspective fails to realize that VA—as a hospital and benefits system—was never designed to treat the complexities of homelessness. While the VA, in recent years, has made tremendous efforts to help veterans who are homeless, the fact remains that VA is not in the housing business. HUD is the federal agency that deals with homeless assistance and housing programs.

VVA has worked on the homeless veterans issue for many years. And while we are heartened to see more attention devoted to the issue, it is disconcerting that current efforts to address homelessness do not met the specific needs of veterans. The plight of homeless veterans is often misunderstood and overlooked. If general homeless assistance programs—which HUD supports—were effectively rehabilitating veterans, we would not expect to see the disproportionate numbers of veterans within the homeless population. This is why it is so critical that programs which target these veterans' unique needs and maximize their rehabilitation potential are nurtured and supported with federal funding. Veterans are a "federal" responsibility—and not just a VA responsibility.

VVA feels very strongly that the veterans provisions of H.R. 217 will help to combat the specific and unique causes of homelessness among veterans. We strongly urge the House of Representatives to pass this bill, and we further urge the Senate to enact H.R. 217. Thank you for your and the subcommittee's work on behalf of homeless veterans.

Sincerely,

GEORGE C. DUGGINS,
National President.

MARCH 2, 1998.

Hon. RICK LAZIO,
Chairman, House Subcommittee on Housing and Community Renewal, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We write to endorse your efforts to move H.R. 217, the "Homeless Housing Programs Consolidation and Flexibility Act" through the House of Representatives. Consolidation of the McKinney Act's homeless housing programs is an idea whose time has come. In a time when the Department of Housing and Urban Development is undergoing a drastic downsizing the last thing it needs is to run a series of competitions for homeless housing funds. Instead, communities should receive homeless housing funds via a block grant, as generally H.R. 217 would do, so that they can use the funds to meet locally identified homeless housing and service needs. A number of members have advised us that the current competitive method of awarding McKinney Act funds often has the effect of denying funding to their top priority projects.

Creation of a homeless housing block grant and its continuum of care will give communities the certainty of funding they need to undertake comprehensive, long-term strategies to address homelessness.

Although we don't support all of the provisions in H.R. 217, we believe it essential that the legislative process move forward. Passage of this bill will provide the momentum to encourage the Senate to act on a homeless block grant. Once the legislation moves to a House-Senate Conference Committee we will seek modification to several of the provisions in H.R. 217.

Mr. Chairman, we applaud your leadership on this important issue.

Sincerely,

ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES.
NATIONAL ASSOCIATION OF COUNTIES.
NATIONAL COMMUNITY DEVELOPMENT ASSOCIATION.
U.S. CONFERENCE OF MAYORS.

THE NATIONAL ALLIANCE TO END HOMELESSNESS, INC.,
Washington, DC, February 23, 1998.

Hon. RICK A. LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, House of Representatives; Washington, DC.

DEAR MR. CHAIRMAN: Over the past several years, we at the Alliance have deeply appreciated your commitment to improving the way in which federal homeless assistance is delivered through the HUD Homeless Assistance Grants. This critical HUD program must address the complex set of challenges that face an extremely diverse homeless population, and it must also respond to the equally complex set of needs of a diverse delivery mechanism. H.R. 217 addresses both sets of needs and challenges and provides a valuable blueprint for re-tolling homeless assistance to achieve the maximum benefit for homeless people.

The National Alliance to end Homelessness believes that any federal homeless assistance program should adhere to the following principles:

End homelessness for as many people as possible through the provision of permanent housing;

Ensure decent "shelter" for those experiencing emergencies and for whom permanent housing is not provided;

Provide flexible funding so that local issues can be addressed, but ensure nonprofit involvement and provide rigorous federal monitoring and oversight to overcome the problems that arise from politicization at the local level;

Increase the motivation and capacity to deal with the problem at the state and local levels;

Ensure that any assistance delivered has a direct and measurable benefit to homeless people, and that the primary thrust of this benefit is their achievement of stability in permanent housing.

H.R. 217 specifically addresses these principles. It reverses the recent trend toward more funding of services and temporary solutions by setting aside funding for permanent housing. It establishes a critical priority for housing for people with chronic disabilities. It targets more resources to the problem by including an authorization level of one billion dollars. It includes local boards to determine how funds will be spent and to monitor their effectiveness. It targets assistance to nonprofit organizations. It addresses the difficult problems of funding services and providing a predictable source of funding to local areas for emergency and transitional assistance. In short, H.R. 217 moves us closer to a system that addresses the primary goal of ending homelessness both for individual homeless people and families, and for the nation.

We at the Alliance have deeply appreciated your willingness to work with us, and to listen to our concerns and those of our members, as you have developed the concepts contained in H.R. 217. We know personally of your commitment to provide real assistance to homeless people. We look forward to continuing to work with you as we collectively improve the homeless assistance system.

Sincerely,

NAN ROMAN.

LOCAL INITIATIVES SUPPORT CORP.,
New York, NY, February 23, 1998.

Hon. RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR MR. LAZIO: I am writing on behalf of the Local Initiatives Support Corporation (LISC) to applaud your recognition within H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, of the importance of permanent housing to end homelessness by giving our communities' most frail citizens the foundation they need to live healthy, productive lives. As you know, LISC has been working with community development corporations (CDCs) since 1979 providing the necessary tools for them to develop affordable housing and offer the range of social services that revitalizes and reinvigorates communities.

Among a range of activities, LISC provides financing and technical assistance for the development of affordable housing for homeless and disabled persons requiring supportive services. Through the syndication of Low Income Housing Tax Credits in partnership with the National Equity Fund (NEF), we are able to leverage substantial private sector investments for these projects. But this private investment is possible only if long term project subsidies are available to fill the gap between the operating costs and what homeless people can afford to pay in rent. H.R. 217's dedication of national resources for the development of permanent housing will ensure that CDCs can continue to be part of the solution of homelessness in their communities.

LISC also commends the increased $1 billion authorization level of H.R. 217 which acknowledges the need for additional resources to combat homelessness. Federal homeless funds shaped by a vision of creating permanent housing solutions are a significant step towards helping our homeless neighbors reclaim a stake in community life.

Sincerely,

PAUL S. GROGAN,
President.

CORPORATION FOR
SUPPORTIVE HOUSING,
New York, NY, February 28, 1998.

Representative RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LAZIO: I write on behalf of the Corporation for Supportive Housing (CSH) to support H.R. 217, The Homeless Housing Programs Consolidation and Flexibility Act of 1997. While CSH has objections to certain provisions of the bill, which I have articulated to you and repeat below, it remains clear that H.R. 217 would both assure expansion of permanent solutions to homelessness, and enlist state and local governments as real partners of the federal government in the battle to end homelessness nationwide.

CSH is a national nonprofit intermediary dedicated to expanding the quantity and quality of supportive housing available to people who are homeless or at risk of becoming so. The supportive housing model combines permanent, low income housing with on-site mental health, substance abuse, employment and other support services which help the most vulnerable homeless individuals to regain control of their own lives and a stake in the life of their communities. Over the past decade, community based nonprofits have demonstrated that supportive housing is an effective and cost-efficient solution to homelessness. It both provides residential stability for even the most disabled homeless individuals (federal and state government commissioned studies have confirmed tenant retention rates exceeding 75%) and enables those individuals to reduce the frequency and magnitude of their encounters with such costly, emergency driven public systems as psychiatric hospitals, emergency rooms, detox facilities, and jails. Indeed, for the most vulnerable of homeless individuals with special needs such as mental illness, chronic health conditions, or other disabilities, supportive housing is the only demonstrated permanent solution to chronic homelessness.

Several aspects of H.R. 217 merit special mention. First, H.R. 217 recognizes permanent supportive housing as an effective, sustaining and cost-efficient solution to homelessness by proposing to target a percentage of authorized funding (25% growing to 30%) for development of permanent housing. This permanent housing set aside ensures both that sufficient funds can be concentrated at the local level to develop new permanent housing, and that a steady stream of federal funds will remain available for supportive housing providers. Critically, by specifically including long-term rental assistance among the eligible activities for permanent housing funds, H.R. 217 guarantees maximal leveraging of federal homeless assistance funds by state and local governments, philanthropy, and private investors. (For example, private investors in the Low Income Housing Tax Credit can typically provide about one-half of the amount needed for development where long term federal subsidies are in place. HUD research confirms the broader phenomenon. For example, HUD's 1994 report to Congress stated that every McKinney Shelter Plus Care dollar leveraged $2 in local and/or private services funding and every McKinney Section 8 Mod/Rehab dollar leveraged $1.50 in non-federal development dollars.) H.R. 217 also provides for a range of long term rental assistance options, thereby supplying the critical linchpin for creating permanent and sustaining solutions to homelessness. Such targeting of limited federal funds to an identified need, where the federal investment truly partners with that of other public and private entities, embodies the best in federal policymaking.

Second, I strongly endorse your call in H.R. 217 for authorization of federal homeless programs at $1 billion. This authorization level recognizes that homeless care providers, including those who operate permanent supportive housing, require sufficient resources to address the needs of the homeless if this nation is to end homelessness, which began over a decade ago as a "crisis" but sadly remains an enormous and costly problem.

Third, I must reiterate CSH's primary objection to H.R. 217, namely, the block granting of 70% of funds under the consolidated McKinney programs. We believe that: (1) block granting will spread funds too thinly among grantees; and (2) with the addition of a permanent housing set aside and better local match requirements. HUD's current Continuum of Care selection process would satisfactorily distribute homeless assistance funds and do so in the locally-driven fashion that block granting strives to achieve. Despite this reservation, CSH recognizes that H.R. 217 constitutes a major step forward in supporting innovative, cost-efficient strategies to end homelessness through federal homeless assistance programs. Accordingly, we support its enactment into law.

Thank you for your consideration of this letter.

Sincerely,

JULIE SANDORF,
President.

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY,
Washington, DC, February 27, 1998.

Hon. RICK LAZIO,
Chairman, Housing Subcommittee, House Committee on Banking and Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to thank you for your efforts to reauthorize the Stewart B. McKinney Homeless Assistance Act programs that are administered by the U.S. Department of Housing and Urban Development. These programs have provided vitally needed assistance, including emergency shelter and transitional housing, to thousands of homeless Americans.

We appreciate your effort to authorize a level of funding for the program above the level of last year's appropriation. While $1 billion unfortunately is still not adequate to meet the need, it would certainly be a step forward.

It is critically important that the McKinney programs be reauthorized. Thank you again for your efforts and commitment.

Sincerely,

MARIA FOSCARINIS,
Executive Director.

Mr. LAZIO of New York. Mr. Speaker, before I reserve the balance of my time, I would like to express once again my appreciation to the subcommittee's ranking member, the gentleman from Massachusetts (Mr. KENNEDY), for his help in moving this legislation forward. My good friend and colleague has spent much of his public and private life helping the less fortunate, particularly the homeless, realize a better way of life.

I should also recognize the efforts of the gentleman from Washington (Mr. METCALF) on behalf of homeless veterans, and extend my gratitude to the gentleman from Minnesota (Mr. VENTO) for his unwavering support for reform throughout this process and for his work for many years on this important issue.

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself 5 minutes and 40 seconds.

First and foremost, let me just say very briefly how much I appreciate the kind words that the chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York (Mr. LAZIO), has expressed.

I think that he, in fact, does deserve a great deal of credit for bringing a bill that had overwhelming support. I think it passed our committee by a vote of 35 to 5. It is a very rare occurrence in the subcommittee or the full Committee on Banking and Financial Services.

I think it is largely due to the sensitivity he showed and the leadership he showed in making compromises on this legislation and making certain that all parts of the country are treated equitably, and with the recognition of the fact that while we want to get government bureaucracy out of the way, we also want to preserve and make certain that programs that do effectively move people out of homelessness and into permanent housing and permanent jobs in fact get the attention and the credit that they deserve.

So I want to just say how much this demonstrates that when we choose to work together, I think a lot can be accomplished by this Congress.

I also want to just express my appreciation as well to the gentleman from Minnesota (Mr. VENTO), who spent years in the Congress leading this fight. When I first got to the House of Representatives, going on almost 12 years ago, the gentleman from Minnesota (Mr. VENTO) was a leader on the homelessness bill at the time.

We were passing, at that time, the McKinney Act, which was an appropriate piece of legislation for a problem that needed to be addressed as a result of the efforts of Mitch Snyder and a number of other people.

The fact is that this bill I think shows a new kind of recognition of some of the programs that work and some of the needless bureaucracy that has evolved around the original McKinney Act. And I think the gentleman from Minnesota (Mr. VENTO) should get enormous credit.

It is not just about credit. And I know the gentleman from New York (Mr. LAZIO) would be the first to admit that this is an issue of how we got to a point where we are appropriating hundreds of millions, if not a billion dollars for fighting homelessness in this country, is really, in my opinion, a

tragedy. It is a tragedy that has largely come about as a result of government policies.

There was a time when we did not find a lot of homeless Americans. You could travel the streets of every major city in America and not see thousands and thousands and thousands of homeless people.

The way we got to so many homeless people in America is two ways. First and foremost, we, as a policy, decided that we did not want to house our mentally ill in these concentrated facilities where so many horrific things were being done to them. So we said we were going to close down those facilities.

Then we were going to build housing in neighborhoods to house the mentally ill, the mentally disturbed, those with drug and alcohol abuse. The fact is, what we did as a Nation is, we closed down the facilities but we never built the housing in the neighborhoods.

The second piece of this was that we built in 1980 over 300,000 units for the poor, as a Federal Government, 300,000 housing units. We spent over $30 billion on the housing budget in 1980 dollars. Today we have dramatically cut the amount of money that we are spending on affordable housing.

I want to appreciate the fact that in this particular legislation the gentleman from New York (Mr. LAZIO) and the gentleman from Iowa (Mr. LEACH) have brought up our funding in this bill from $803 million to over a billion dollars. That is a step in the right direction.

But I would point out that the truth of the matter is that the first thing that happened 4 years ago when the Republicans took over the House of Representatives is that we saw the homeless budgets in this country cut by 25 percent. We saw the overall housing budgets in America cut by 25 percent. That was only after the compromises had been reached.

If we do not build housing for the poor, and the country has more and more people, the value of the existing housing rises, the poor do not get any richer, so they cannot afford it. What happens is we end up dumping people out on our streets.

This is an important piece of legislation. I do very much commend the gentleman from New York (Mr. LAZIO) for his work on trying to get this legislation passed and write it in such a fashion that he has gotten such broad support for it. We do appreciate the gentleman's leadership on this.

But we need to work together to make sure that this country recognizes that if we are going to provide billions of dollars to the Pentagon, if we are going to provide billions of dollars in terms of the aid programs that we are currently involved with, that there is a Third World right here in America that also needs to be provided with the necessary resources in order to provide them with basic and affordable housing and health care and education.

□ 1445

If we want to get these folks that need homeless funding out of homelessness, we have to provide them with housing and jobs.

I would just say that in terms of this particular legislation, I do want to recognize that while the funding has increased, and I know the gentleman from Iowa (Mr. LEACH) has agreed to sign a letter to the Committee on Appropriations asking for the full $1 billion worth of funding, that we have set aside 30 percent of the funding for permanent housing, that we have instituted much greater local control and local flexibility as a result of the chairman's intent, and we have also provided some needed veterans' provisions in this legislation.

Mr. Speaker, I would, in closing, again like to just say that we need to continue to provide additional funding for the homeless. We can provide all the programs, but if we do not get the money out to the people that need it, it will all be a lot of words and no housing.

Mr. Speaker, I want to thank the chairman of the housing committee, the gentleman from New York (Mr. LAZIO), for his leadership, and look forward to working with him as the legislation moves through the process.

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

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF.)

Mr. METCALF. Mr. Speaker, I rise in support of H.R. 217 and its goal of giving local communities greater flexibility in reducing homelessness. I was concerned about homeless veterans before I arrived in Congress. I am pleased now to be able to do something for them.

Over the past 3 years, I have introduced legislation to help veteran advocacy groups compete for Stewart McKinney funds. In 1996, HUD funded 1,100 projects for a total of $713 million. Of the projects funded, only 48 projects equaling $25 million were designed primarily for homeless veterans. That is only $25 million for homeless veterans out of $713 million. Yet the number of homeless veterans is estimated to be 20 to 30 percent of the homeless population.

We need more help for homeless veterans. H.R. 217 includes an amendment that I offered with the gentleman from Massachusetts (Mr. KENNEDY) to give veteran advocacy groups an opportunity to participate in local advisory boards. These boards will create and coordinate the community's housing plan. In addition, homeless veterans will be considered a special needs population, which makes them one of the targeted populations for services in housing. Lastly, this amendment requires better reporting from HUD and its grantees concerning veterans.

I want to thank the gentleman from Massachusetts (Mr. KENNEDY) and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), as well as the gentleman from Iowa (Chairman LEACH) for their willingness to work with me to include veterans' provisions in this bill, provisions that will help get homeless veterans off the street. These are not just empty promises, but meaningful changes in helping local communities serve their homeless veterans.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO.)

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to commend the ranking member, the gentleman from Massachusetts (Mr. KENNEDY), and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), for their support of this and their leadership in bringing us together to support H.R. 217, which is a very good bill, which obviously authorizes more dollars, changes some of the policies and redirects and streamlines the law to meet the needs of the homeless across this Nation.

Who are the homeless? The homeless are a group of individuals today that 20 years ago, when we look back into our communities and byways and rural areas, urban, were not the same population. We always have had, sadly, I think some that are chemically addicted homeless, and that is a problem a smaller number of the homeless. But today we have, as my subcommittee chairman has mentioned, the gentleman from New York (Mr. LAZIO), we have nearly half a million people that are homeless.

The roots the source of such homelessness has many sources. In fact, the homeless are very often people that have jobs. They very often are women. Very often they are children that are homeless today.

So it recognizes, sadly, that in 1998, with the highest home ownership in history of our Nation, nearly 66 percent of the people own their own homes, but no one of us live on the average; that today in our society there is a great vulnerability in terms of our being able to fall down and lose out in terms of becoming an economic or social casualty; that today in our society we are very isolated, and the network of support in terms of family and friends and others that historically had been such a great source of help to many that would fail is most often not present, too many americans today are vulnerable.

So we come back with these fed. homeless programs, and the nature of this, McKinney program, which I have worked so hard on with many of my

colleagues over these years, is one in which we are trying to build on the local governments and the nonprofits and private sector effort, to establish and maintain a partnership.

This is not a 100 percent funding from Washington. In fact, it is very little funding from Washington to deal with this problem compared to other efforts. We are proposing, and I hope we do spend, the $1 billion that is authorized in this measure. Local governments, nonprofits, the people we represent, the volunteer groups, are spending tens of billions of dollars to meet this housing problem each year across this nation.

The homeless, as I said, they are working, and they are entitled to a lot of the benefits. But, unfortunately, many benefits are attached to shelter to an address. If a child is homeless, they deserve an education, they deserve the funding from the city and State. If they have a health problem, they deserve the benefits that are associated with Medicare if they are eligible or Medicaid if they are eligible. They deserve the opportunity for job training and other programs.

We are trying to provide such programs and must this together with this McKinney Act, which, incidentally, has always been a bipartisan effort. Myself and Chalmers Wylie from Ohio initiated this bill in small way representative; Ed Boland, had a different piece in the appropriation process, the FEMA dollars that are in here represent his initial efforts, and that is reauthorized in this bill and that is a great program.

The fact is that, of course, we named it when we brought it altogether under one umbrella after our dear colleague, our deceased colleague, Stewart McKinney from Connecticut, a good Republican and a good friend and a good advocate for people that have problems and need housing in this Nation.

I hope that with this bill, we can reignite some of that spirit of working together in terms of housing that has alluded us, because we have serious housing problems in this nation. As has been indicated, part of this is because we have not followed through when we deinstitutionalized, a good thing to do, to take apart those institutions.

My State of Minnesota especially has had problems because we were the first in the Nation to institutionalize and deal with many of the problems, but we did not follow through with the community resources that are necessary to meet the needs of people being mainstreamed back into our communities; neither housing nor the social services.

So we have a great opportunity here with this McKinney program to build a new framework, to draw on the others that have responsibilities, not just in terms of the housing programs that emanate in Washington or locally, but to draw on the social service, health nutrition education and jobs programs that are supposed to be there to support the homeless.

There are some good changes in this bill. Frankly, the type of categorical programs which provided many of the ideas, we wanted to see whether these programs worked and many of them did work. Now we will have a homeless plan prepared by the communities that will give us some direction, broad input and a good policy path with flexibility.

Frankly, I think we need the permanent housing in this measure. We need to push the other social service agencies and others that have resources to channel their dollars into the needs of the homeless, because we cannot do it alone, HUD and these McKinney program are just not sufficient in funding or capacity.

The local governments and the nonprofits, are working on overload, they are working on overload, they have too much being placed on them these days, and need the type of support we have proposed here. But we have to do it in a partnership, which we are trying to do in this bill, and which I know can and does work. The Interagency Council on Homelessness is reestablished in this bill, trying to get our Federal agencies to work collaboratively and cooperatively together.

Mr. Speaker, it should be clearly understood that this program the McKinney funding has helped and transitioned many literally 100,000 of homeless back into the mainstream of our society, the problem is that those falling between the cracks of our social nets and onto the streets continues and the McKinney law and act is more needed today that ever.

This is a good bill. I hope my colleagues all vote for it and it passes this House with a resounding yes vote.

Mr. Speaker, as I rise today in support of the Homeless Housing Programs Consolidation and Flexibility Act, I want to recognize the Democratic and Republican staffs for their work in building a compromise bill for us that has been helpful and permits us to be here today that will authorize a billion dollars annually for HUD homeless assistance through FY2002. I testified in front of the Subcommittee on Housing last June in favor of some changes to the Chairman's bill, H.R. 217—changes that would incorporate some of the policies embodied in my McKinney reauthorization legislation, H.R. 1144. I am pleased to note for the Members here this afternoon that many modifications and improvements have been made to address my concerns, the concerns of Mr. KENNEDY, HUD and others.

Members may be aware that as an original author of the McKinney Act in 1987 and sponsor of the legislation to assist the homeless since 1982, I have an intense interest in how we restructure the HUD McKinney programs. I look forward to continuing to work with the Chairman to move this legislation forward and would point out that this measure has always been a bipartisan effort: First, Congressman Chalmers Wylie of Ohio and myself in 1981; second, honoring Congressman Stewart McKinney in 1987; and third, restructuring the programs in 1994 with Congresswoman ROUKEMA. Today, we continue in that vein with this bill, H.R. 217, which authorizes a significant increase over this year's budget—an increase in outlays of $121 million in FY1999, $195 million in FY2000, $364 million in FY2001, $667 million in FY2002, and $784 million in FY2003. Hopefully, we will follow through with the appropriations that would provide these specific increases that will total a billion dollars a year to assist people who are homeless.

For the record, let me briefly recite some of the history behind the consolidation of McKinney programs. Almost since their inception, there were calls for simplification of the HUD McKinney programs and for a change from the competitive nature of the programs to a formula allocation block grant. Attempts to alter the nature of the funding allocation, however, were not successful in Congress until 1994, in part, because of the opposition of many Members, including myself, on the Banking Committee who felt strongly that block granting would spread the limited McKinney dollars a mile wide and an inch deep and the fact that the programs and innovative ideas ought to have an opportunity to demonstrate their effectiveness. Moving to a block grant earlier essentially would have defunded these programs.

In 1994, however, we began to work on a bipartisan basis with the special efforts of the Administration to restructure the HUD McKinney programs into a block grant with some important features. We were successful in passing that rewrite in the omnibus housing bill that was approved by the House, but never finalized into law. Key among those were two features: One a trigger point for reverting to competition so that if appropriations were to be too low, the funds would not be piece-mealed beyond the point of usefulness to entitlement communities. Two, the legislation maintained permanent housing through the Section 8 SRO program as a separate and distinct program. Such a separate permanent housing component creating SRO or other housing, is necessary for production that is less likely to take place in a formula allocation because of the higher capital needs and recurring costs on an annual basis.

In this measure before us, H.R. 217, a couple of important compromises and changes were made through the legislative process from my standpoint. First, H.R. 217 maintains a national competition for the permanent housing activities which include activities to construct, rehabilitate, or acquire permanent housing structures. These activities can also include the capitalization of a dedicated project account from which long-term assistance payments, such as operating costs or rental assistance, can be made in order to facilitate permanent housing for the homeless. In addition, the Committee agreed to allow up to 35% of the funds available for the competition to be used as if under section 441 of the McKinney Act as in effect on October 31, 1997. That is, Section 8 Moderate Rehabilitation for SRO housing can still be produced under the national competition for the McKinney permanent housing program with a cap of no more than 35% of the funds. This was included through

a successful amendment that I offered in the Committee and I am appreciative of the support of the Chairman for such amendment. Every study and statistic I've seen on the topic of homelessness is related to the lack of affordable housing and the need to establish permanent housing for homeless people.

As before, the Committee specifically chose not to consolidate permanent housing activities into the flexible block grant. First and foremost, in providing a separate competitive funding mechanism for these programmatic activities, the Committee is assured that housing dollars are producing housing. Secondly, the ebb and flow of funding needs for permanent housing development is such that communities may need large funding amounts in one year and little or nothing in other years. Conversely, if funds were to be allocated for permanent housing under a block grant, many entitlement jurisdictions would never receive sufficient funding to engage in permanent housing projects with or without supportive services because the intense up-front funding needs for permanent housing would completely deplete the formula allocation of a jurisdiction in one funding year. A national competition that still assures projects are tied to local needs and plans will facilitate a more effective allocation of housing resources.

Second, the bill envisions that to meet the matching requirements for the federal funds that a community can choose between a 1:1 match that allows volunteer services to be counted, or a 1:2 match that does not permit volunteer services. Thus this measure incorporates a 1:1 match that I strongly support. It will continue to allow non-profits to use important volunteer services as match. We should, in my judgement, encourage volunteer participation and recognize its value.

Thirdly, the bill includes a reauthorization of the FEMA Emergency Food and Shelter program that is authorized in Title III of the McKinney Act. This is a proven and popular program in the Banking Committee's jurisdiction that needs to be reauthorized, but doesn't require programmatic changes. This is a tremendous program that continues to provide great help nationwide for shelter and emergency meals. I would hope we could in the future work together to increase the level of funding for this key program that works so well with the national and local charities.

Fourth, the bill re-empowers the Interagency Council on the Homeless, the chief interagency body for federal assistance for persons who are homeless. It calls for rotating chairs of the Council and sets aside money from the overall McKinney Title IV appropriation in order to fund the Council. This is imperative in order to facilitate deliberations, coordination and needed improvements to our homeless assistance programs.

Mr. Speaker, we began to work on a bipartisan basis with the special efforts of the Clinton Administration to restructure the HUD McKinney programs into a block grant in 1994. Today we pick up on that effort and will hopefully move the idea forward toward the objective. H.R. 217 consolidates most of the programs, affords citizen and community involvement in the planning process, and maintains a competition for the permanent housing component.

I recognize the new concerns of the Department of Housing and Urban Development, and hope that the discussions around our policy differences will continue to strengthen the programs as we work toward enactment of a McKinney reauthorization. I want to comment the Secretary and his staff for their vision and hard work toward improving the administration of the McKinney programs as they exist today so that communities and persons who are homeless are better served. These McKinney programs work by being pro-active. Unfortunately, the number of homeless persons: men, women and children, continues to mount. Hopefully the root causes of homelessness, both economic and social, will be addressed to correct this crisis. But until that occurs to a greater extent, we must assist and reinforce the local governments and non-profit sector that attempts to cope and meet the needs of people who are homeless in our nation. This reauthorization of the McKinney Act will do that.

I again commend the Chairman for working with us on this bill. While the bill may not be the bill I would construct if left to my druthers, overall it is more than acceptable to me and I encourage Members to support H.R. 217 on passage.

Mr. LAZIO of New York. Mr. Speaker, I yield 3¼ minutes to my friend, the gentleman from Delaware (Mr. CASTLE), the distinguished former Governor of the State of Delaware and a member of the Committee on Banking and Financial Services.

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

Mr. Speaker, I very much appreciate the opportunity of speaking to this. I think what the gentleman from New York (Chairman LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) have done on this, as well as the gentleman from Massachusetts (Mr. KENNEDY) and the gentleman from New York (Mr. LAFALCE), I think the work on this has been tremendous. It is strong leadership indeed for a compassionate, imaginative and common sense style reform legislation.

Under the current system, about three-quarters of Federal homeless funds are spent on emergency homeless shelters in supportive services. The bill in front of us, H.R. 217, encourages communities to focus HUD homeless funds on affordable housing, which will give homeless persons a chance to become productive members of our society.

To a homeless person, permanent housing means safety and security that cannot be found in homeless shelters. Safety and security are important foundations on which a homeless person can rebuild his or her life.

For too long, HUD has been the 911 all-purpose agency for homeless issues. In the course of trying to provide services HUD should not be providing, HUD has overcommitted its McKinney Act homeless funds. This unbalanced distribution of funds has left longstanding successful homeless programs without the funds to operate. It has happened in every State to one degree or another, but let me share with Members Delaware's experience.

Under the current system, the McKinney homeless funds are distributed through a national competition. As was the case for Delaware in fiscal year 1998, if an applicant fails to meet the cutoff point, the State and all its homeless programs must scrape to find funds to operate that year.

The Ministry of Caring is a Delaware nonprofit homeless provider that raises half of its support from private sources and relies on State and Federal funds to provide the remainder. In Delaware the name "Ministry of Caring" is synonymous with quality, compassionate housing and services for the homeless.

The Mary Mother of Hope House and Samaritan Outreach Program are two homeless programs the Ministry of Caring may have to close this year, because its application fell two points shy of HUD's cutoff in last year's grant competition due to a drafting error over which the Ministry of Caring had no control.

While some may think a national competition for grant money distributes homeless funds to the most deserving programs, the fact is that it produces tremendous inefficiencies. Each year, a homeless program faces the dilemma of whether it will receive a lot of Federal funds or none at all. This prevents these programs from engaging in efficient, long-term planning, and encourages them to overstate their need.

Furthermore, as was the case with the Ministry of Caring, if HUD spent funds in the past to help build houses for the homeless, its investment and your tax dollars go to waste when there are no funds to operate the program. With H.R. 217, each State is assured a minimal level of funding each year the programs can take into account when planning for the long run. At the same time, H.R. 217 reserves 25 percent of the McKinney funds for a national competition, so those programs which are most deserving can still compete for additional funds.

This is just another example of how the Homeless Housing Programs Consolidation and Flexibility Act takes the best features from existing programs, and eliminates wasteful incentives and duplicity in the current system. I encourage my colleagues to support this legislation.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill and I agree there are working poor, women and many people who are now homeless. I want to remind the Congress of the United States that there are veterans who are homeless as well.

I passed an amendment to H.R. 2 that requires that a housing counseling 45 day notice be given by the banks when a delinquency rate is met, and I wanted to have that put in this bill. But I have the assurances of the chairman that H.R. 2 and my language that would require that VA loans and veterans would also get that 45 day notice, be kept in that bill.

Mr. Speaker, I want to remind Members that money itself will not solve the homeless problem. We must leverage private sector money and we must move towards competitive employment opportunities for underemployed people.

It is not just destitute sick people on our streets. Many of them are underemployed and do not have an opportunity for gain.

So, Mr. Speaker, I commend the gentleman from New York (Chairman LAZIO) for a great bill. I think it is a dynamic young subcommittee. The gentleman is doing a great job. I want to keep my language, and I want that passed on so my housing counseling program would also be available to the veterans of our country, and they would get a notice and the accompanying protections that are afforded in other type loans.

□ 1500

Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Speaker, I want to thank the gentleman for being a tireless advocate on behalf of veterans and to let him know that he has my personal commitment that we will look for a vehicle in which to address the gentleman's concern, because his concern is my concern.

Mr. TRAFICANT. It is in H.R. 2. I want to keep it there.

Mr. LAZIO of New York. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

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

Mr. Speaker, studies indicate that anywhere from 500,000 to 3 million American men and women are homeless in any given day. That is a very troubling problem, and I commend the work being done by the gentleman from New York (Mr. LAZIO) and all the Members of the House subcommittee for what they are doing to correct this. I applaud their efforts in bringing H.R. 217 to the floor, the Homeless Housing Programs Consolidation and Flexibility Act we have today.

I would like, however, to urge that we also focus much more attention on the largest group of these homeless individuals. This sort of ties in with the comment of the gentleman from Ohio (Mr. TRAFICANT). It is shocking to realize that veterans of services in our Armed Forces represent approximately one-third of all homeless men. Provisions of H.R. 217 do acknowledge the plight of veterans among the ranks of the homeless, but while this bill is a good start, we really must do more for our veterans.

Mr. Speaker, during the 103rd Congress, the House Committee on Veterans' Affairs initiated and the Congress adopted a sense of the Congress regarding funding to support homeless veterans.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I just wanted to commend the gentleman from Florida (Mr. STEARNS) for his concern about the homeless veterans. As we both serve on the Committee on Veterans' Affairs, it is also appropriate for us to take those concerns, I think, on to this new budget that we are going to be discussing in the Committee on Veterans' Affairs over the course of the next few days and to bring this up, because that is one of the accounts in the Committee on Veterans' Affairs budget that has been terribly underfunded this year. So I would like to work with the gentleman on trying to make sure we put some money into that bill as well.

Mr. STEARNS. I commend the gentleman from Massachusetts for his comments. I would be very happy to work with him. The gentleman has been very active in this area, and I think he is one of the leaders here in Congress on behalf of the homeless veterans.

Mr. Speaker, the measure that I am thinking about called for substantially increasing the funding for organizations that provide assistance primarily to homeless veterans, so that their share more closely approximates the proportion of veterans in the homeless population. This is a goal I think we need to keep in our sights and work hard to achieve.

As a member of the Committee on Veterans' Affairs and chairman of the Subcommittee on Health, I have seen firsthand the kinds of problems that lead to homelessness among those who have sacrificed for this country. I support H.R. 217 but urge this body to do more to assist those organizations which have targeted their efforts primarily at veterans.

In passing, and in part of reference, I wish to add my feelings on this on a personal matter. Many of these homeless populations are down on their luck. I know that is true. They have had problems with their health. There is something else that is occurring here, however. Many of the homeless have learning disabilities that make it very difficult for these persons to retain and keep a job, a job that is above minimum wage.

So in the future, I hope Congress will look at the impact of learning disabilities on homeless veterans and see what we can do to help them in the early stages, so they do not end up as part of the homeless population.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 1½ minutes to my good friend, the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, to the good chairman, the gentleman from New York (Mr. LAZIO), and the ranking member, the gentleman from Massachusetts (Mr. KENNEDY), I think I will be the only one here in the House today to speak against or in opposition to the bill. It is a very hard thing to do, because of my respect for these two gentlemen and the work that they have done here in the House on housing.

Mr. Speaker, we want all the homeless to be helped, but imposing the same Federal mandates for the entire country may not be the best way to do that, and I am hoping the committee can look at this a little bit further as this bill goes through and goes to the Senate.

I include for the RECORD a letter from the HUD Secretary, Andrew Cuomo, a letter from the mayor, Alex Penelas, and a letter from the head of my housing foundation, Alvah Chapman, in the RECORD opposing the bill in its current form.

The letters referred to are as follows:

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, February 25, 1998.

Hon. RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, Committee on Banking and Financial Services,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of January 26, 1998, concerning the Department of Housing and Urban Development's position on current homelessness assistance legislation being considered by the House of Representatives. The Department is proud of the progress we have made through our homeless initiatives in recent years. Our results are clear: Because of better coordination with local governments and comprehensive local planning, significantly more homeless persons are being helped, the capacity of non-profit providers has been enhanced, and substantially more non-HUD funding has been leveraged to address the problem of homelessness.

Policies implemented by HUD in recent years have eliminated the Federal top-down approach which resulted in a fragmented array of housing and services. In place of this failed approach, HUD has instituted the Continuum of Care which awards homelessness assistance funds based on comprehensive locally-developed plans and priorities crafted by a broad cross-section of community stakeholders, including housing and service providers, government officials, the business community, the faith community, and homeless and formerly-homeless people.

The Department's position is that H.R. 217 would compromise this success in several

ways. First, whereas the current system allows local control and community design, H.R. 217 would impose top-down Federal mandates. The mandatory set-aside for permanent housing would limit a local community's flexibility to meet the needs it identifies as priorities. The permanent housing set-aside establishes an additional process and stream of funding. HUD has worked diligently to provide communities with a single process with a single stream of funding. This process currently allows communities to fund essential permanent housing and does not limit the percent of dollars spent on permanent housing.

A second Federal mandate in the proposed legislation is the 35 percent services cap. This mandate would once again limit a community's flexibility to design its own programs and approaches to addressing homelessness. If a community exceeds this cap, H.R. 217 would impose a monetary penalty by increasing the local match requirement. We do not believe local flexibility should be constrained, or a locality penalized for meeting its priority needs.

Our third concern is that homelessness assistance providers input and involvement in designing the locality's system is not sufficiently engaged in H.R. 217. HUD's legislative proposal uses the Consolidated Planning process to ensure and protect not-for-profit and provider involvement in local homelessness assistance planning efforts. We do not believe the provisions of H.R. 217 ensure a balanced community process. The Department believes critical elements of local Continuum of Care planning must be explicitly included in any homelessness assistance legislation in order to establish a necessary balance between local government's submission and homeless provider inclusion.

Finally, our proposal is not designed to be a block grant but rather a performance grant. A synthesis which provides for the formula-based distribution of a block grant and the performance mandate of a competition. We believe strongly that such an approach ensures an equitable distribution of funds while protecting taxpayer's investment in efforts to address homelessness.

In sum, we believe the current community-driven process is preferable to an approach which would limit local decision-making and priority-setting by reestablishing Federal mandates.

We would still support a legislative solution if it removed the 30 percent permanent housing mandate, 35 percent supportive services cap and monetary penalties, and more clearly protected not-for-profits and homelessness providers involvement in the Consolidated Planning and Continuum of Care process.

Thank you for your continued efforts to address the pressing needs of our nation's poor and homeless citizens. I look forward to working with you in the coming months to strengthen our mutual efforts to address these issues.

Sincerely,

ANDREW CUOMO.

METROPOLITAN DADE COUNTY,
STEPHEN P. CLARK CENTER,
Miami, FL, February 27, 1998.

Hon. Congresswoman CARRIE P. MEEK,
Washington, DC.

DEAR CONGRESSWOMAN MEEK: On Tuesday, March 3, 1998, the House of Representatives will consider legislation that will greatly impact homeless assistance funding and the innovative programs that have made Miami-Dade's homeless strategy a national model. The proposed H.R. 217, under the sponsorship of Representative Rick Lazio, seeks to consolidate most homeless funding into a block grant formula. This legislation was introduced in an effort to reduce the Federal "top-down" approach which in past years resulted in an uncoordinated homeless housing and service delivery system. Most recently, however, U.S. HUD has required local communities to coordinate their efforts to fill their needs and gaps. Communities such as Miami-Dade have been able to design successful programs using the competitive funding formula, which has given our community the flexibility to direct funds to meet locally identified needs.

In addition to compromising this most recent successful approach, the proposed legislation has other elements that concern our local community, and would impact the effective and efficient delivery of services to our homeless citizens. In particular, H.R. 217 is intended to provide local control of funding through a block-granting approach. In effect, however, this legislation includes Federal "top-down" mandates, such as mandatory set-asides for permanent housing and a cap on funding for supportive services. These mandates would limit our community's ability to develop strategies specific to address our community's needs. Under the current approach, our community has competitively received over $70 million in federal funds to implement innovative programs. Complimented by a public/private partnership that has raised an additional $24 million, more than 4,000 new beds have or will be created for homeless families and individuals.

As we understand, U.S. HUD has indicated it will no longer propose a block-grant driven funding plan and has eliminated this concept from their appropriations request. The U.S. HUD Secretary has expressed concern with the legislation as it is currently proposed. We are equally concerned as it would un-do the significant local efforts that have helped so many.

We support the current U.S. HUD funding process and would urge you to consider the significant adverse impact that H.R. 217 would have in allowing us to serve the neediest of our community.

Sincerely,

ALEX PENELAS,
Mayor.

ONE HERALD PLAZA,
Miami, FL, March 2, 1998.

Hon. CARRIE P. MEEK,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MEEK: On Tuesday, March 3, 1998, the House of Representatives will consider legislation that will greatly impact homeless assistance funding and the innovative programs that have made Miami-Dade's homeless strategy a national model. The proposed H.R. 217, under the sponsorship of Representative Rick Lazio, seeks to consolidate most homeless funding into a block-grant formula.

I oppose this approach!!

Communities such as Miami-Dade have been able to design successful programs using the current competitive funding formula which has given our community the flexibility to direct funds to meet locally identified needs!

Under the current approach, our community has competitively received over $70 million in federal funds to implement innovative programs. Complemented by a public/private partnership that has raised an additional $24 million, more than 4,000 new beds have or will be created for homeless families and individuals.

I am told that the U.S. HUD Secretary has expressed concern with Lazio's approach to this matter and does not support H.R. 217.

I support the current U.S. HUD funding process and would urge you to consider the significant adverse impact that H.R. 217 would have in allowing us to serve the neediest of our community.

By now, you have received a February 27 letter from Mayor Alex Penelas stating his position in opposition to the Lazio approach (H.R. 217). I completely support the Mayor's view on this.

We have worked very hard to build a system of care for the homeless in Dade County and H.R. 217 would do much to undo our accomplishments.

Sincerely,

ALVAH H. CHAPMAN, JR.,
Chairman, Community Partnership for Homeless, Inc.

Mr. Speaker, I am hoping this will be a strong enough mandate so we can look at this a little further. This bill consolidates the seven existing homeless programs into one new program, with 75 percent of the Federal funds going to a new block grant program and 25 percent going to competitive permanent housing grants. The bill also imposes new mandates on the use of these funds, and takes away the flexibility from counties like Dade and some of the other counties that are using innovative approaches to really develop their housing programs.

They have done a very good job with this. I hope the Senate and the committee will look at this, and I hope they will be able to add more flexibility to this good bill.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend the debate time by 2 minutes on each side, because I would like to make sure that the gentlewoman from Florida (Mrs. MEEK) has the full debate time. She asked for 2 minutes and I only had 1½ minutes.

Mr. LAZIO of New York. Mr. Speaker, I would join in that.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida (Mrs. MEEK) is recognized for an additional 30 seconds.

Mrs. MEEK of Florida. Mr. Speaker, if we were to keep these restrictions, it would have a very bad impact on the county. We have developed a very strong public-private partnership under the people there in the county, like the mayor, and certainly $70 million in Federal funds in Dade County have been joined with $24 million in local funds, and we were able to create 4,000 new beds for the homeless families and individuals.

My point is we need more flexibility so we can apply a stronger public-private match within our local communities. This bill would help the delivery

of services, particularly supportive services, to these homeless citizens.

Mr. LAZIO of New York. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman yielding time to me.

Mr. Speaker, I want to say with tremendous gratitude that my predecessor, Stewart B. McKinney, cared deeply about housing issues and the provision of housing for people in need, particularly the homeless. I appreciated Congress' desire to name the McKinney Act after him, and am very supportive of what the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) have done in consolidating seven programs into a single block grant, with emphasis on permanent housing and coordination among other agencies to leverage necessary supportive services and greater local flexibility.

I strongly support the bill's focus on permanent housing and supportive services to help homeless families find and keep a permanent home. I appreciate the recognition on the part of this Congress that the McKinney Act is a very important part of our homeless effort, and that this act remains intact under his name.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have no problems with this bill. I have everything positive to say about it. It is a terrific bill. It is exactly what we need to do.

One of the even more compelling parts of it is the fact that our ranking Democrat and our chairman are both in agreement. I know communities all over the country are going to be in agreement with what we are doing here, and most importantly, we are going to be freeing up resources that are currently spent on administrative costs to be spent on improving the lives of homeless people so they can live lives of greater dignity.

It is a good bill. I am glad it is going to get unanimous support in this body. I thank the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time to me, and I thank the gentlemen from Massachusetts and from New York for the creativity and thinking on legislation that is very near and dear to my heart.

In the many times we come to the floor of the House, sometimes it is not our place to give personal stories and anecdotes, but let me say in the city of Houston I have spent time under the bridges with homeless persons. I have spent time in the homeless shelters, I have seen the shanties that are built right here in the United States of America, confronting our homeless citizens, dealing with the crisis of homelessness.

What I would say, Mr. Speaker, is that this is a step in the right direction. It is particularly a step in the right direction because of the fact that it coordinates the needs of our homeless veterans. I spend many a day in the veterans' hospitals talking to those who are now hospitalized, and as well, dealing with homeless veterans on the streets.

In fact, I participate in what we call "Standdown" in Houston, where we go out and bring services to our homeless veterans. If there was ever a greater sacrifice than those who have served our country in the military, it is coming home to be a homeless veteran. So I thank the committee for the leadership in coordinating with the Veterans Administration in dealing with those persons who are veterans and homeless, as well as the opportunities for housing for our women and children and other homeless persons.

Let me say, however, that I would like to add my concern and hopefully expression of interest in working with the committee, although I am not on the committee, on issues reinforcing the continuum of care, looking again at the caps and requirements and the suggestions on where the local communities use their funds.

We are all different, and years ago Houston had one of the highest homeless rates. We still have 10,000 persons on the streets. I know there are many ways we confront those questions.

I would simply say to both the chairman and certainly to my good friend, the gentleman from Massachusetts (Mr. KENNEDY), who has been so much in the forefront of this issue, if they would allow me to have continued input on how this may impact some of our local communities I would appreciate it. I think we are going in the right direction. Anytime we can help cure the disease of homelessness, I think we are going in the right direction.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, let me again congratulate the gentleman from New York (Mr. LAZIO) on an excellent piece of legislation. I want to thank the staff on the Republican side for their efforts, and I would also like to thank both Angie and Rick on the Democratic side for the efforts they made, and particularly to Scott Olson, who has worked very hard on this piece of legislation.

In my final comment, Mr. Speaker, I just would hope that the gentleman from New York and I could agree to take the next stage of this fight to the Committee on Appropriations with, I hope, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), to make certain that the Committee on Appropriations now follows through on the $1 billion request that has been unanimously asked for by the Committee on Banking and Financial Services, and I hope by the body as a whole.

Again, I want to congratulate the gentleman from New York (Mr. LAZIO), wish him the best, and hope we have more opportunity to work together in the future.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by emphasizing to the gentleman from Ohio (Mr. TRAFICANT), to let him know publicly that I am committed to his counseling notification provisions in H.R. 2, and that I will work hard to make sure it is part of the final product that is moved through conference and hopefully to enactment.

I am confident that H.R. 2 will come to fruition this year, and if need be, we will look for other vehicles in order to address the gentleman's concern. I want the gentleman to know that. I respect him for his unwavering interest in this particular issue.

Let me also thank once again so many people, Mr. Speaker, who helped make this possible: The gentleman from Florida (Mr. CANADY), who was truly a friend to the process, who worked with us and the staff, and on the Democratic side, the gentleman from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. GONZALEZ), and our side of the aisle, the gentleman from Iowa (Mr. LEACH), and many of the speakers who have been here and spoken on behalf of this bill.

Let me particularly thank, Mr. Speaker, the many thousands of Americans that every day get up to serve the homeless. It is I think a very foreign thought for many of us who we have been blessed to grow up in more affluent areas and with families that have been intact and nurturing, to imagine that so many of our neighbors could live out on the streets in some of the coldest days of the year, not just adults but people who are elderly, young children, suffering on the streets and outside. It is not part of an America that I envision for my children or for their neighbors or for Americans in the next generation.

□ 1515

I think we have before us the makings of a solution to the problems. One of the frustrations that we have in the Federal level, I think, is that we so often see the solutions, we know what they look like. In this case we know that community-based solutions work.

We know that flexibility and creativity needs to be rewarded. We know that reciprocity works. We know that the services that help those people who were disabled because of mental illness or physical disability or because of drug addiction or alcoholism, that those do not go away without some support and some help. And we know with help and with support that people can make it to independence and self-sufficiency.

That is the name of the game, Mr. Speaker. It is not just to maintain people, but to help them transform to self-sufficiency; helping them to achieve a quality of life that we would want if somebody on the street were a member of our families; that we care enough to make the effort to support the people, the advocates, the people that manage homeless programs throughout America.

Mr. Speaker, we also know that we can do this in a more cost-effective way. We know that throwing money at the problem alone will not solve it. We know that we need to be value-oriented, that we need to have a sense of success. We need to define success and we need to hold ourselves to that standard. This is important work. This is about saving families and seniors and adults, people that can be saved if we make the effort.

So, Mr. Speaker, I ask my colleagues to support this important legislation, a product born of input from many, many people, people that will not necessarily make the evening news or the front page of the newspapers but nonetheless contribute to their neighborhood in a very important way. Mr. Speaker, I ask my colleagues to support this important bill to help the beginning of the end for the homeless.

Mr. BARR of Georgia. Mr. Speaker, in my home county of Cobb Georgia we have seen first hand the problems associated with the Federal Government controlling the purse strings.

In one case, due to a misunderstanding between the national HUD office and the Regional office Cobb County has been made to suffer.

In a circumstance where Cobb county should have received upwards of six hundred thousand dollars to benefit the homeless. Instead only one project worth eighty one thousand dollars were approved.

In a recent letter to Speaker GINGRICH, the Cobb County Community Development Block Grant Program wrote the following:

> We do not understand why HUD chose to ignore the needs of the sizable homeless population in Cobb County, particularly when local organizations have done such a good job of carrying out local planning and coordination in compliance with HUD's stated objectives for the Continuum of Care process. Nor do we feel that HUD has been candid in explaining why the project was not funded.

Mr. Speaker, H.R. 217 consolidates the seven existing homeless programs under HUD and requires all Federal departments and agencies to coordinate homeless assistance. Wasteful duplication is eliminated and resources are directed to those that need them the most.

H.R. 217 also provides incentives for communities to confront homeless issues comprehensively. It emphasizes the importance of partnerships among the variety of non-profit developers and service agencies in dealing with the special needs of homeless persons.

Mr. Speaker, by consolidating these programs into block grants we can help give state and local governments the ability to fight the problem of homelessness in a much more efficient manner. In the end, H.R. 217 will ensure a better use of tax payer dollars and better care for the homeless.

Mr. CAMPBELL. Mr. Speaker, I am pleased to rise in support of H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act. The homeless crisis continues to be a serious and growing problem, and this legislation addresses it with common sense and compassion.

Through passage of H.R. 217, Congress is recognizing the simple but unassailable principle that no one should live and die on the streets. This legislation takes a number of steps that Congress can and should take to attack this problem. For starters, we provide for more effective delivery of McKinney Act Homeless Assistance programs—programs which give direct assistance just to the homeless. This bill consolidates the seven existing homeless programs under HUD and requires better federal coordination of all homeless assistance. It also provides incentives for communities to confront the homeless problem at the local level, where the decisions are the best-informed. Non-profit developers and service agencies will be given the tools to work together in dealing with the special needs of homeless persons.

The bill provides for the better value in federal homeless spending while making our most vulnerable population more self-sufficient. Instead of the more expensive and less effective approaches of the past, we are able to focus more attention on a coordinated, long-term vision for the homeless with concrete results. There is simply no reason to fail in providing shelter, whether permanent or temporary, to people who have nowhere else to turn. Our homeless population, often trapped in a cycle of hopelessness beyond its control, deserves an innovative response from Congress. I applaud Chairman LEACH, Chairman LAZIO, Congressman VENTO, and Congressman KENNEDY, as well as a bi-partisan coalition of concerned Members, who have worked hard to move homeless assistance policy into the next century.

Mr. LAZIO of New York. 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 New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 217, as amended.

The question was taken.

Mr. LAZIO of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 217.

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

There was no objection.

SAM NUNN FEDERAL CENTER

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 613) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center," as amended.

The Clerk read as follows:

H.R. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Atlanta Federal Center".

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 "Sam Nunn Atlanta Federal Center".

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

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

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

Mr. Speaker, House Resolution 613, as amended, designates the Federal building located in Atlanta, Georgia, as the "Sam Nunn Atlanta Federal Center."

Sam Nunn was born September 8, 1938 in Houston County, Georgia. He received his undergraduate degree from Emory University in 1960 and also his law degree in 1962. During this time, he served in active duty in the United States Coast Guard from 1959 to 1960 and then remained in the Coast Guard Reserve until 1968.

Sam Nunn served in the Georgia House of Representatives from 1968 until 1972. He was then elected to fill the vacant Senate seat of Richard B. Russell and was reelected to the seat for four consecutive terms.

In the Senate, Sam Nunn earned the respect of his colleagues for his extensive work and knowledge of defense matters and his expertise on NATO, nuclear weapons, and other military

manpower. From 1987 to 1995, he served as Chairman of the Armed Services Committee of the Senate. Through his position on the Armed Services Committee, Senator Nunn was a vocal advocate of a strong national defense and unwavering in his support for our men and women in uniform.

The designation of the Federal building in Atlanta in honor of Senator Nunn is a fitting tribute to a distinguished public servant. I support this legislation and urge my colleagues to support the bill.

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

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

Mr. Speaker, I too rise with great enthusiasm to support this bill introduced by the gentleman from Georgia (Mr. LEWIS), my friend, who recognized the outstanding contributions of former Senator Sam Nunn.

He was elected in 1972, as stated earlier by the gentleman from California, and he quickly became one of the leading figures in all of American Government and is still recognized as an international expert on economic policy, national security affairs, and certainly defense issues as they relate to America and the world.

Senator Nunn was one of the most respected Senators we have ever had. He was known for his bipartisan efforts, a strong work ethic and working style that made things happen, and such an immense grasp of very complex foreign issues that he many times helped to mitigate problems that were developed therein.

He was also respectful of his office and he never tried to waste the taxpayers' dollars.

Mr. Speaker, I want to make a statement here. When I was chairman of the Subcommittee on Public Buildings and Economic Development, this committee, I opposed this building that is now being named for Senator Nunn. We opposed it because it was going to be leased for 30 years at a cost of $3 billion without any owner equity for the American taxpayers at the end of that term. The gentleman from Tennessee (Mr. DUNCAN), my good friend, and I would not allow that.

This project was constructed, I believe, on a time schedule with a savings of almost half a billion dollars to the American taxpayer. That is fitting for the legacy of the man for whom this building now shall be named, Senator Nunn. I am proud to rise and support the gentleman from California (Mr. KIM).

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

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for his kind comments about my good friend and constituent, the Honorable Sam Nunn.

Senator Nunn distinguished himself not only in this body that we serve in now, the United States Congress, but from his early days as an All State basketball player at Perry High School in Perry, Georgia; through his days of law practice in Perry, Georgia; and through his days of service to the State of Georgia in the House of Representatives and of course his days in the United States Senate. He is now distinguishing himself as a very fine lawyer in Atlanta, Georgia.

Mr. Speaker, it was about 25 years ago along about this time of the year that a fellow walked into my coffee club in Bull's Restaurant in Moultrie, Georgia and introduced himself as Sam Nunn and said he was running for the Senate. Nobody knew who Sam Nunn was in our part of the world at that time. In fact, I myself was supporting another Democratic candidate in the Democratic primary. But it was not long until everybody in the State recognized the qualities of the young man from Perry, Georgia. He went on to get the nomination and of course to win in the general election in November, and he served 24 years with honor in the United States Senate.

Sam Nunn succeeded another honorable man, the Honorable Richard B. Russell, and Sam always admired and was inspired by the service of Senator Russell and looked up to him in a way that a lot of us now look up to the service that Sam provided to our State.

Sam was well-known, as the gentleman from Ohio said, on a number of issues, primarily in the area of national security and defense. But his ideas and his thoughtfulness on every single issue that came before the United States Senate was well thought out and well respected by his colleagues. In fact, Senator Nunn was way out front on the balanced budget issue before it was fashionable on the Hill to talk in terms of balancing the budget of this country.

Today he continues that fight. He serves as cochairman of the Concord Coalition, and one of the main points that he advocates is continuing to hold our feet to the fire to ensure that we do continue along the lines of balancing the budget of this country to make this country a better place for our children and our grandchildren.

Mr. Speaker, it is a great pleasure for me to rise today in support of this bill naming the Federal building in Atlanta, Georgia, after the Honorable Sam Nunn, my constituent, my colleague for 2 years, and most importantly, my friend.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS), sponsor of the bill and an outstanding leader on our side of the aisle.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Ohio, my friend, for yielding me this time, and I thank the gentleman from California (Mr. KIM) as well as the gentleman from Ohio for their work to help us honor Senator Sam Nunn, a fellow Georgian.

Mr. Speaker, I believe we all recognize the tremendous accomplishments of Sam Nunn and his service in the United States Senate. Sam Nunn was one of the true statesmen of that body and is a source of pride to all Georgia.

Since winning election to Congress in 1986, I have had many opportunities to work with Senator Sam Nunn on several issues, and often benefited from his experience, his counsel, and his support as we worked together.

Since his election to the Senate in 1972, Senator Nunn has served the State of Georgia with honor and distinction. Senator Nunn worked to become the Senate's foremost expert on national security and international affairs. Senator Nunn served 8 years as the chairman of the Senate Armed Services Committee and retired as the ranking Democrat on both the Armed Services Committee and the Permanent Subcommittee on Investigations.

Mr. Speaker, the naming of this building located in the heart of downtown Atlanta will be a fitting tribute to a great American and to a citizen of the world, Senator Sam Nunn. For these reasons, I hope that the Federal Center will soon bear the name of our former Senator and colleague, Senator Sam Nunn.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor and supporter of this measure which would designate a building in downtown Atlanta as the Sam Nunn Federal Center. This is a fitting tribute to a friend who happens to be one of the great Georgians and great Americans of our time.

I am proud to have had the opportunity to serve with Senator Sam Nunn as a member of the Georgia Congressional delegation for four years. The benefit of his counsel and his friendship, is one of the great privileges that I have had in public life.

Senator Nunn has played a major role in shaping our times. He is, in fact, an historic figure. Our country is stronger and the world is freer and more secure because of his 12 years of leadership as Chairman and Ranking Minority Leader on the Senate Armed Services Committee. In fact, no one played a bigger role in building our modern military infrastructure than Senator Nunn—and that was one of the essential factors leading to the demise of communism and the global spread of democracy.

This native Georgian, an offspring of a Houston County farm family, followed in the footsteps of his uncle, Representative Carl Vinson, and legendary Senator Richard B. Russell, both longtime chairmen of their respective armed services committees who also made historic contributions to national security. He certainly did them proud. In carrying on their tradition, he won the admiration of his

colleagues on both sides of the aisle and achieved international recognition for helping secure peace and freedom throughout much of the world. And he did it his way—not with conflict and confrontation, but through the exercise of quiet strength, deep knowledge, and thoughtful statesmanship.

While he will be most prominently remembered for his work on defense and national security, Senator Nunn did much more. He helped restore fiscal responsibility and efficiency in federal government, fought for land conservation and the environment, attacked drug abuse, and promoted a spirit of citizenship and patriotism in our state and across the country.

Again, I rise in strong support of this measure and I urge all of my colleagues to do the same.

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

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of this bill, asking for an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 613, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the 'Sam Nunn Atlanta Federal Center'."

A motion to reconsider was laid on the table.

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the Senate bill (S. 347) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center" 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 California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SAM NUNN FEDERAL CENTER.

The Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Federal Center".

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 "Sam Nunn Federal Center".

MOTION OFFERED BY MR. KIM

Mr. KIM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIM moves to strike all after the enacting clause of the Senate bill, S. 347, and insert in lieu thereof the text of H.R. 613, as passed 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: "A bill to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the 'Sam Nunn Atlanta Federal Center'."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 613) was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 613 and S. 347, the bills just passed.

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

There was no objection.

□ 1530

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.

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, today CBO or the Congressional Budget Office, the agency that is responsible for tracking revenues and expenditures of the United States Government on behalf of the House of Representatives and the Senate, released a new set of estimates. And it does verify that for the first time since 1969, we are going to have a surplus in fiscal year 1998. This is great news for America. The first time since 1969, I was a sophomore in high school, the United States Government spent less money than what they had in their checkbook.

To me when I came here 3 years ago, this was deemed an impossible dream. When we said we were going to balance the budget by the year 2002, people looked at us, yawned and basically said, we do not believe you, because they had made so many broken promises in the past. Today we stand here with final documentation and verification that in fact the budget is not only balanced, but we are running a surplus.

CBO, the scoring agency or the agency responsible for making predictions here in Washington, is suggesting that we have about a 5, maybe a $10 billion surplus. I would like to go a step further than that. I believe the surplus is much more significant than that. I believe that we will run a surplus in fiscal year 1998 in excess of $25 billion.

I think it is worth talking about where we are from a budgetary point of view, where we are going to and especially how Social Security fits into this overall picture because I have just spent days in Wisconsin where we were in about eight or nine different cities, and everyplace I went, the Social Security issue came up.

So I would like to begin with where we are today and how we got here. Then I would like to look at what we can do in the near future, and then I would like to look at the bigger picture of where we are going to.

I would like to start today by just taking a look at how fast and how rapidly the Federal debt facing our Nation has grown. What I have in this chart is I have a picture of the growing debt facing the United States of America. It can be seen that before 1980, the growth in this debt was pretty minimal. As a matter of fact, it is not quite a flat line, but it did not grow very much between 1960 and 1980. But from 1980 forward, the growth of the Federal debt is very, very substantial.

As a matter of fact, when I left the private sector, I had never been in office before, when I left the private sector, we were about here on this chart. I realized that if this growth pattern of Federal debt was not stopped, that our children did not have a very bright future in this great country we live in. So that is really the primary reason for leaving the private sector and coming in, was to change this picture.

Here today, if we had said a while ago that this was going to flatten out and it was going to steady out here and actually start coming back down because we are running a surplus, people would not have believed us. As recently as 3 years ago, when we looked at 1980, at the point at which the debt started growing dramatically in this country, all the Democrats blamed Ronald Reagan and all the Republicans blamed the Democrats for not being able to control spending.

Again, I would like to point out that the fact of matter is that we are here on this chart. It is not a Republican problem. It is not a Democrat problem. It is an American problem. The only way we can solve this problem is if we as Americans step forward and put

forth solutions to the problems. That is what our last 3 years here in Washington have been all about.

For Members that have not seen how large this debt is, I would like to point out the number. We are $5.5 trillion in debt today. Translation: If we divide the debt by the number of people in the United States of America, the United States Government has literally borrowed $20,400 on behalf of every man, woman and child in the United States of America, or for a family of five like mine the United States Government has borrowed $102,000.

The real kicker in this picture is down here on the bottom line. This is real debt. Just like any other debt in the United States of America, interest is being paid on this debt. In fact, for a family of five like mine, I have got three kids and a wife at home, for a family of five like mine, we are paying $580 a month every month to do absolutely nothing but pay interest on the Federal debt.

When we think about a family earning $40,000 to $50,000 a year from Wisconsin or anywhere else in the great country that we live, when we think about that family being required to send in 580 bucks a month, an average family of five, to do absolutely nothing but pay interest on the Federal debt, it is a pretty staggering number. The amazing thing is people do not even realize they are paying all this money in. One dollar out of every six that the United States Government does absolutely nothing but pay interest on this Federal debt. One dollar out of every six the United States Government spends does nothing but pay interest on this debt.

When a family does something as simple as buy a pair of shoes for the kids and the family, they go into that store and they buy the pair of shoes. The store owner makes a profit on the sale of that pair of shoes to the kids, and when the store owner makes a profit on the sale of that pair of shoes, part of that profit gets sent to Washington, and of course what it does is nothing but pay interest on the Federal debt.

I emphasize that one dollar out of every six that the United States Government spends today goes to pay interest on the Federal debt. Let me put that a different way so it makes a little more sense. One dollar out of every six that the United States Government collects in tax revenue from our working families all across America, one dollar out of every six does absolutely nothing but pay interest on that Federal debt.

I think the question begs asking, how in the world did we get to this kind of a situation, where we are $5.5 trillion in debt, $20,400 for every man, woman and child and to a point where a family of five in America pays $580 a month to do nothing but pay interest on the Federal debt?

When we look back at this picture how we got here, I have a picture here of the Gramm-Rudman-Hollings Act, and most folks remember either the Gramm-Rudman-Hollings of 1985 or maybe the one of 1987, or maybe they remember the 1990 budget deal. When we look back in the past and how we got into this mess, time after time the people that were in Washington promised they were going to get to a balanced budget. This blue line on the chart shows the Gramm-Rudman-Hollings promise of 1987, but the one for 1985 is the same thing. They had a blue line that said they were going to balance the budget. 1987 is the one I have shown. The 1990 budget deal. They are all the same. This red line shows you what actually happened to the deficit.

The American people got very cynical looking at this picture time and time and time and time again. They had been promised a balanced budget, and it was not delivered by Washington, DC and by our government. So in 1994, the people looked at this picture and they said, we are really fed up with these broken promises. We need a change in Washington, DC 1993 was the year we had the biggest tax increase in American history. It was the year they looked at this picture and said, the only way we can solve this big deficit that remains out there, in 1993–1994, it was still $350 billion of deficit, that is, the government was spending $350 billion more than it took in, they looked at this picture and said, we know how to solve that. Let us go to the American worker. Let us take more money out of their pocket. That way we can maintain Washington spending, and while we maintain Washington spending, of course we will just collect more tax dollars from the American people. That was the 1993 solution. So it was the broken promises that led to 1993. That was the 1993 solution of raising taxes to solve this problem.

What we found out in 1993, what I knew all along because I was in the private sector working our tail end off, when we were in the private sector we did not want government to take more money from the people to balance the budget. That is not what we wanted. What we wanted was government to control their own appetite for spending, to reduce the size of Washington and lead us to a balanced budget, not by higher taxes, but by less Washington spending.

So in 1993, the people saw this picture. They survived the tax increase, 4.3 cents a gallon for gasoline. It was not even spent to build roads. It was put into social welfare programs, Social Security tax increase, marginal tax bracket increases. The taxes went up on virtually every American citizen in that 1993 tax increase.

So what did the American people do? This is America and a great country. The people in this country had the opportunity to change that, and they did in the 1994 elections. In the 1994 elections they saw their way clear to put Republicans in charge of the House of Representatives and the Senate for the first time in a long, long time, 40 years to be exact. Now we are 3 years into this changed group of people in charge of Washington or our government.

I think the American people ought to be asking the question, is there really any difference, or are these people the same, and are they breaking their promises like before? I would like to answer that question. When we got here in 1995, we laid out a plan again to balance the budget. We said we were going to get there by the year 2002. I have to be honest with my colleagues, what the people said, they yawned and they said, yes, sure. We will believe it when we see it. The time has come to believe it. We not only got the job done by 2002 as promised, we have actually hit our first balanced budget since 1969, 4 years ahead of schedule. We not only got the job done, I think it is very important in the picture form to see that the red line is now below the blue line; that is, we are outperforming what we said we would do as opposed to what happened before we got here.

It is a very, very different picture in Washington, DC Let me emphasize this once more. For the first time since 1969, for the last 12 months running, the United States Government spent less money than they had in their checkbook. This is a monumental accomplishment, and it has been done in 3 short years, well ahead of schedule, of what was initially promised in 1995 when we got here.

An interesting thing happens, when I am out in Wisconsin at a town hall meeting talking to our constituents about this. What happens is they go, hey, MARK, the economy is so strong, you politicians are taking credit and you couldn't have messed it up if you tried. The facts are the economy is very strong. Lots of extra revenue is coming into the United States Government because hard-working American families are busting their tail ends and being successful out there in the private sector, and of course the more income that they earn for their family, they send extra tax revenue to Washington. That is true, there is no question about it.

But that is not the end of the story, because between 1969 and today, there have been other time periods in this government where the economy was strong and extra revenue came in. And every time in the past when Washington got their hands on more revenue, they figured out exactly what to do. They spent it. And that is the difference.

I brought a picture here to help see that a little easier and clearer. In the past, every time the economy got

strong and extra revenues started coming in, in the past every time that happened, Washington just spent more money so that we still did not balance the budget. That is why the budget has not been balanced since 1969.

This government was different. The people that came here and were put in charge in 1995 were different. NEWT GINGRICH, JOHN KASICH, some of the others that were here deserve a lot of credit for this picture; BOB LIVINGSTON, to mention another name. Before we got here, growth in spending and this red column shows you how fast spending was going up before we got here in 1995. In the face of this very strong economy with extra revenue coming in, the spending growth rate was reduced to 3.2 percent in our first 3 years. So you see in the face of this strong economy sending extra revenue to Washington, instead of increasing the growth rate of spending, this government saw fit to decrease the growth rate of spending.

It is a combination of the strong economy coupled with the reduced growth rate of Washington spending that has put us in the position where we have actually balanced the budget for the first time in 30 years. And we have done its 4 years ahead of schedule.

□ 1545

It is this distance from here to here that has put us in this wonderful position where the budget is, in fact, balanced for the first time in 30 years and a tax cut has been provided for the first time in 16 years.

And I would just mention that a lot of folks say, well, we should not want to be cutting taxes until we get the debt paid off. We should not be cutting taxes, but then they put in a "because." I want to point out that the tax cut came about because instead of this blue column being way up here, the spending growth rate being the same as it was before we got here, by bringing that growth rate down to here, it provided money available to reduce taxes on working families all across America.

And does a tax cut matter? Sometimes I get out there and people start complaining that the tax code is so complicated they do not even understand the tax cut. Let me just walk through a couple of things that are very real to the folks in my district and to the folks all across America.

Let me start with the $400 per child. And, remember, when we talk about this $400 per child, it is less Washington, as seen in this picture. This distance from where this red column was, down to here, is less Washington, so these families can keep more of their own money in their own home.

A family with three kids, three kids under the age of 17 from Wisconsin, earning $50,000 a year in that family. Sounds like a lot of money? Well, $50,000 a year and three kids is not a lot of money. It goes very fast. That family, under the tax cut package that was passed last year, will keep $1,200 more in their own home instead of sending it out to Washington. Twelve hundred dollars is $400 per child more in the home instead of being sent to Washington.

I always ask the question out there, too, and I show this kind of chart and I say, look, we could have done more here in Washington. We could have spent more money and kept this blue column up here even with the red column so the spending growing was the same as it was before we got here. We could have done more in Washington. We chose instead to let families keep more of their own money. Then I ask if we had spent more in Washington, instead of doing the tax cut package for the families, 550,000 in Wisconsin alone get to keep more of their own money, if we spent more in Washington, would we do a better job in Washington of spending those families' money than the families would themselves? There is not a single person anywhere we have seen so far that would be willing to stand up and say the United States Government in Washington can do a better job spending those families' money than the families can.

I will give another example of a family from Wisconsin we had at a town hall meeting. They have one in college, a freshman in college, and they have two kids under the age of 17 still at home. For that family, under the tax cut package, and they are a middle-income family; they did not tell me exactly, but between 40,000 and 60,000 a year. That family with three kids at home, one in college, a freshman, and two kids under the age of 17 still at home, when they get a $400 credit on the bottom line for each of the kids still at home, that is $800 for the two kids.

And they get a $1,500 assist for the college tuition. Because in a middle-income family in America today, sending a child off to college is very, very expensive. So the tax cut package contained a provision that if a family has a child that is a freshman or sophomore in college, they can subtract $1,500 off of what they would have sent to Washington and keep it in their own home to help pay that college tuition.

So for this family of five that we are talking about, two kids at home under the age of 17, and a freshman in college, this family of five is going to keep $2,300 more in their home this year rather than send it to Washington. And again, when we ask a family like this do they really think Washington could have spent that money better than they can; do they think Washington could make better decisions on how to spend that money or do they think they can make those decisions themselves, we have not found anybody in Wisconsin that is willing to stand up and say send the money to Washington; we do not think we pay enough taxes, and Washington knows best how to spend it better than we do. That just does not make sense in Wisconsin, and I do not believe it does anywhere in this country.

So I am happy to be here to talk about the things we have accomplished. When we look to the past and see the broken promises of Gramm-Rudman-Hollings, promises repeatedly of a balanced budget that did not occur, and then we look to the past where they raised taxes to try to solve this problem, like in 1993, and then we compare that to the present, where for the first time in 30 years we are actually spending less money than we have in our checkbook, this is really great news. The first time in 16 years taxes are coming down.

Capital gains we did not mention before, but for those people investing in stocks and bonds and mutual funds all over America, and by the way I hope they make a profit, because that is what investment is all about. It is not evil and rotten to invest in a stock or a bond or a mutual fund and make a profit. That is not bad, that is good. And when they make the profit, the capital gains tax rate has been reduced from 28 down to 20. And if they are in the lower income bracket, the rate has been reduced from 15 down to 10.

So this idea of looking into the past and seeing the broken promises and the higher taxes and understanding something different is going on in Washington today, I think that is a very important idea as we look at the changes that have occurred out here since 1995.

So we have what is called a balanced budget. We have taxes coming down. I think we have to ask ourselves what next. And I think to answer that question we need to describe, and this is not going to be quite as positive from here on out, I think we need to keep it in perspective. This is very positive thus far, and actually balancing the budget 4 years ahead of schedule by Washington definition, that is good. And the definition they are using here in Washington is the same as it was all the way back to 1969. But we still have some problems, and as we look to the future we will have to address those problems.

To explain this, I want to start by defining exactly what is meant by a balanced budget in Washington, D.C. Let me preface this by saying I am a home builder and we had a home building company. And we had employees working with us in that company. And my definition of a balanced budget in my home building company would be very different than Washington's definition of a balanced budget.

But having said that, let me define what Washington calls a balanced budget. Washington says their budget

is balanced when the dollars collected in taxes equal the dollars sent out in checks. So if we look at all the dollars coming into Washington, the dollars in equals the dollars out. That is Washington, or the government's, definition of a balanced budget.

Now, on the surface that makes a pretty good amount of sense, but I want to get beneath the surface and look at what is actually going on when we talk about this balanced budget. And let this not take any credit away from reaching this point after 3 short years, but let us recognize we still have a very serious problem facing our country.

The reason it is important to understand that is because Social Security plays into this picture dramatically. In the Social Security system, which is part of those dollars in and it is part of those dollars out, what is going on in Social Security today is the Social Security system is collecting $480 billion out of the paychecks of workers all across America.

So when we look at our pay stubs and see there has been money taken out for Social Security, if we add up all the money coming in for Social Security, it is $480 billion. If we look at the money being paid back out to senior citizens in benefits, so we have $480 coming in, the amount going back out to senior citizens in benefits is $382 billion.

The difference, the surplus, is $98 billion if we are looking at just the Social Security system. And again this is very important. It is pretty easy to understand. If this was our checkbook at home and we are sitting down to do our bills, and we had $480 in our checkbook and we wrote out a check for $382, we would in fact have $98 left in our checkbook. That is Social Security today. It is collecting $480 billion, paying $382 out, and there is $98 billion left.

Now, just as many people out there in America might be saving this $98 or $98 billion, in the case of the Social Security trust fund, for when they reach retirement, so that when they do not have enough money coming in they can go to that account that they have been building and saving over a period of time and get money out in order to still pay their bills, that is how American families do this all across our country. Social Security is supposed to work the same way.

We know in the not too distant future that, when the baby boom generation gets to retirement, this number of dollars coming in as compared to the number of dollars going out is going to turn around and the dollars coming in is not going to be enough to pay the dollars going out. That is when the problem hits in Social Security.

Now, in Washington and in many government agencies, they have misled our seniors into believing this does not happen until the year 2029. That is absolutely not true. The amount of dollars coming in versus the number of dollars going out turns around in the year 2012 and perhaps sooner. So what we are really saying here is that the shortfall occurs in Social Security in the year 2012.

Now, the reason they talk about 2029 as opposed to 2012 is they assume between 2012 and 2029 that they can get their hands on this money that is supposed to be in the savings account. Just like in our families when we run short, we go to the savings account, get the money and put it into our checkbook and make good on our checks.

So once more through this. Today there is $480 coming in, there is $382 going out, there is $98 supposed to go into a savings account. Between now and 2012 these two numbers turn around and there is not enough money coming in, too much going out, and we have to be able to get our hands on that money in the savings account.

Now, I find when I am out in my district and I ask the next question, with $98 billion extra coming into Social Security, what do you suppose the United States Government does with that $98 billion? I find that the people in my district generally say they spend it. And the people in my district are absolutely correct.

The $98 billion that has been taken in for Social Security goes into, think of this as the big government checkbook or the general fund. They then spend all the money out of the general fund and, at the end of the year, we have actually been running deficits since 1969. So after that $98 billion comes in and they write all the checks out of the general fund, there is no money left to put down here in the Social Security trust fund. So what they do is put an IOU in the Social Security trust fund instead.

Now, it is important to understand that when Washington says they are balancing the budget, what they mean is that this circle right here is balanced. They mean that after the $98 billion has been put into the checkbook and then all the checks have been written out, that the remaining balance is zero. That is a balanced budget in Washington. The problem with that is there is still no money being put into the Social Security trust fund.

Now, in my business, in the home building business, if this would have been the pension fund, we absolutely could not have gotten away with this. It would have been illegal and we would have been arrested for doing this. But in Washington that is the way this program is set up.

I want to be specific on this, and please do not shoot the messenger. We are trying to solve this problem. In some groups I am with in Wisconsin, I almost feel like I am going to get shot when I tell them about what is going on. It is important to understand that what is going on down here is an IOU. It is a nonnegotiable, nonmarketable Treasury bond.

The significance of nonnegotiable-nonmarketable is that when those two numbers that we just had up here turn around and there is not enough money coming in for Social Security, we cannot take what is in this account and sell it and get the money we need, or we cannot go to our savings account and get the money out.

Now, in this town it is great. People run around and they say those IOUs are backed by the full faith and credit of the United States Government, so why should I question the value of those IOUs in the Social Security trust fund. I always ask the next question. They are backed by the full faith and credit of the United States Government, so when we need the money in 2012 or sooner, where is the United States Government going to get that money from to make good on those IOUs?

That is when the lights begin to dawn and they see how serious the problem is, because when we need that money in 2012 and perhaps sooner, and the United States Government has to make good on those IOUs, there is only a very limited number of things that can happen. One is they could raise taxes on our children and our grandchildren. I do not find that very inviting. I think the tax rate is too high as it stands.

The second thing they could do is put off the date when those IOUs come due. And of course that could be done by changing benefits to our senior citizens. I do not find that very desirable.

So if we do not raise taxes and we do not put off the date the IOUs come due, what is the other option? The other option really is to go into the private sector and start borrowing money out. And when we start talking about that picture, we are right back to this chart I started with.

I do not know of any American citizen that is going to suggest that the right solution to the Social Security problem is to recreate this climbing debt chart that has been given to us over the last 15 to 20 years. I do not know of any American citizen that would contend that this is the right thing to do as we look to the future of this great Nation.

So the question should be asked: What are we doing about it? In our office we have introduced a piece of legislation, it is called the Social Security Preservation Act. It is bill number H.R. 857. And this may seem pretty obvious to most people in America. I notice when I am in Wisconsin, it seems to be an obvious solution. We simply take that $98 billion that is coming in extra for Social Security and we put it immediately into the Social Security trust fund. We do that by buying Treasury bonds, the same kind of thing that

any senior citizen could buy at any bank in the United States of America.

The advantage of doing it this way: Number one, we start reporting honestly what is going on in the budget process, because the money now does not get into the big government checkbook, or the general fund. And number two, when those numbers turn around and there is not enough money coming in and we have to make good on those IOUs, we will now have an asset in this trust fund, much like a savings account, that could simply be sold to generate the money we need to make good on the Social Security payments to seniors.

So, again, the solution to this problem, and I am happy to say there are Democrats and Republicans both supporting this bill, it is H.R. 857, it is called the Social Security Preservation Act. I would encourage my colleagues that have not joined with us yet to join us on this bill as soon as possible so that we get the support necessary to bring this bill to the floor of the House.

If this bill is passed, Social Security becomes solvent for our senior citizens all the way to the year 2029. Now, I might say after 2029 there is still a problem, but at least between now and 2029, Social Security would once again be solvent for our senior citizens.

□ 1600

As we look at this picture, then, I think it is reasonable to ask, we have got this balanced budget, at least on balance by the definition that has been used by the government over the last 30 years, where are we at and where are we going as a Nation in the future?

I think the first thing we need to recognize and do to solve the Social Security problem is our bill, H.R. 857, the Social Security Preservation Act. But there are other problems still facing our country.

One of the problems as I see it is taxes are too high. I have been having fun with this in Wisconsin. I ask the question repeatedly, "Is there anyone in the room who thinks taxes are too low?" To their credit, no one has raised their hand and said, "Yes, I think taxes are too low. Raise taxes, please."

So I think when we look at the problems that are still facing us as a Nation, taxes are too high, the Social Security Trust Fund needs to be restored, and we still have that $5.5 trillion debt hanging out there over our heads. To solve these problems we have introduced a second piece of legislation. It is called the National Debt Repayment Act.

As it relates to Social Security, let us remember that even if we start putting away the cash from this year, we still have this $700 billion that is supposed to be in this, counted already, that is IOUs. So when we start talking about this $5.5 trillion debt, part of it is that money that has been taken out of Social Security over the last 15 to 20 years.

In the National Debt Repayment Act, what we do is look at any surpluses coming into the United States Government. We allocate two-thirds of those surpluses to debt repayment, specifically restoring the Social Security Trust Fund. So two-thirds of it goes to debt repayment, including Social Security and prioritizing Social Security. The other one-third is dedicated to reducing taxes on working families all across America.

We are here in the present now, we have our first balanced budget in nearly 30 years. As we look down the road and think about these problems that are still staring us in the face, a $5.5 trillion debt, the Social Security Trust Fund, taxes are too high, it seems to me to make sense that what we do is dedicate two-thirds of our surpluses to debt repayment, prioritizing Social Security, so we pay off the Social Security notes, that is $700 billion that belongs there, and we dedicate the other one-third to the tax rate.

Let me just say on the tax rate, because I think this is very important, today we have a 37 percent tax burden on our working families. If you take all the taxes paid in in this country, take the State taxes, the property taxes, the local taxes, the sales taxes and the government taxes, Washington government taxes, the tax burden on our families today is 37 percent. Back in 1955 it was about 25 percent.

The outcome of that is seen all through our society. Because the tax rates are so much higher than they used to be, we find that our families that would like to make decisions to allow one parent to stay at home or one of the spouses to stay at home and raise the children are forced into the workplace because the tax rate is so high, and they wind up actually working just to pay more taxes. I understand that in a lot of families both spouses want to work for whatever reason. They may want to work because they want a better life-style, and that is fine. But what is wrong with that picture is that when they start doing it simply so they can pay the extra tax burden so the government can get bigger and bigger and bigger, that is what is wrong with the picture.

As we look ahead to the future, the concept of reducing the tax burden, as I know Speaker GINGRICH has called for, from the 37 percent back to a 25 percent, I would like to again lay this out as part of our vision for the future as we look forward in this country. Would it not be great if we could get to a point where the tax burden on families was again reduced to 25 percent or maybe even lower? Would it not be great if we could have a one-third reduction in the tax burden?

What we are really saying here is that in the future the government might do less and we might leave more money in the pockets of people, and then if the people still want some of those extra services, they can make the decision that with the extra money in their pocket, they go out and buy it. But the concept is that government is less involved in the lives of the American people and the people get to keep more of the money that they have earned.

I might add that that is just one of the problems that we face here in Washington. It seems to me sometimes we forget that the money we are talking about out here, it is not our money here in Washington. That money belongs to the hardworking Americans who have earned that money, and it ought to be treated in that way and with that respect.

I would like to just address a little bit more on the tax cut package that has already been passed. I know I am kind of jumping out of this vision for the future and back into the present, but I would like to do this because I find in Wisconsin that when I talk with folks, a lot of them do not understand that a tax bill has been passed. I would just like to run through just a few of the provisions that are in this tax cut package because folks generally do not understand that this bill is already passed.

What happens, I find when I am there, is they kind of look at me almost as a politician, and that scares me because I am a home builder and a math teacher and not a politician. They start looking like, "You are making us these promises, but are you really going to do any of this?"

The fact is the tax cut package is passed into law, it is done, it is on the books and it should be reflected in your current taxable income. Let me just start with the $400 per child tax credit. I described this briefly before. Starting this year, for every child under the age of 17 with certain income limits, for moderate-income Americans, for every child under the age of 17, when you figure out your taxes next year and you get down to the bottom line, how much you would have sent to the United States Government, you subtract $400 off the bottom line.

If you have got a college student, a freshman or a sophomore, again you figure out how much you would have sent to Washington, but if that freshman or sophomore has spent more than $2,000 on room, board, books and tuition, you subtract $1,500 off the bottom line. For juniors, seniors, grad students, et cetera, you subtract $1,000 or up to $1,000 off the bottom line.

For homeowners in America, and this is a very dramatic change in the Tax Code, if you have lived in your house for 2 years or more and you sell it, there are no Federal taxes due. When we think about our senior citizens and the benefit to our senior citizens of

this Tax Code change, it is very, very dramatic.

Many seniors took the old one-time 55 exclusion, sold the bigger home that they raised their children in, bought a smaller home and are now ready for whatever reason to go to some sort of different home, either a nursing home or some sort of skilled care facility. They are now selling this home, and they took that one-time exclusion back when they were 55 and there would be a gain, at least I hope there is a gain on the house they have owned in the interim period. There are no longer any Federal taxes due on the sale of that home.

Medicare, another dramatic change under the Tax Code and the revisions that were written last year for senior citizens. When I took office in 1995, Medicare was headed to bankruptcy. The fix for Medicare in the past was always to go out to the American people and raise taxes. Our government in their wisdom was treating senior citizens in exactly the wrong way in solving the problem of Medicare by simply throwing more money at it. What we needed to do is what has been done in the last 3 years: sit down, look at the situation and see if there was not maybe a better way to do the same thing.

Let me give one example of how this improvement took place. Diabetes is a major problem for seniors. What the government did in their wisdom is, they waited until some sort of a complication developed in diabetes. They would not pay for screening. What they did is waited until something dramatic happened to a senior, whether it was a heart problem or an amputation or eye problems or any of the other negative outcomes from diabetes. Many of these things were treatable if they were caught earlier.

What the government was doing in Medicare was saying, we are not going to pay for screening diabetes that is destroying your life, but if you get good and sick and you need a good and expensive procedure, then we will help you pay for it through Medicare. It is not only the right thing to do for the health and the well-being of our senior citizens, to do the advanced screening, it is also much more cost effective to find the problem early and treat it early so the senior citizen can live a healthier life. Of course that eliminates the high cost burden on the Medicare system.

So instead of just throwing more money at Medicare and leaving the system the way it was, we looked at what was going on and looked for better ways to spend the same money that was being spent. In the diabetes situation alone they are saying as much as $14 billion a year will be saved, and again, let us not transform this into Medicare cuts. By providing our seniors with the opportunity to live a healthier life by this advanced screening for diabetes alone, we are talking about a $14 billion a year change in the cost of Medicare to the United States Government.

That is not all, though. There are also things like screening for breast cancer, colon cancer, a wide variety of other preventive care was very similar to what I just described with diabetes. That was changed in Medicare. Rather than just looking at Medicare and saying, okay, we are going to raise taxes on the people and throw more money at Medicare, we looked at how the same dollars could be spent in a better manner. That is very, very different than the people that were here in control in the past. It is a very different model for solving solutions as we go forward.

The other dramatic change in Medicare is, in the past the United States Government in their wisdom said we here in Washington know what is best for all our senior citizens, so we are going to develop this plan called Medicare and our seniors get the plan, like it or not. What has happened in Medicare is that now if our seniors do not like the government-run plan, they have the opportunity to take the same money the government was spending on their behalf in the government plan and use it to purchase private insurance of their choosing. We not only revise the plan to make it much more effective providing preventive care to seniors, we also put what type of insurance and what type of medical coverage they would like back in their hands where it belongs.

I think what it says is really a statement of respect that we have for the senior citizens in the United States. Many of these senior citizens are the same people that fought in World War II, that preserved this country and got it to where it is today, and those people deserve to be treated with that respect.

While I am on Medicare, and it does not directly relate to the changes of last year, there are a lot of nasty rumors going on out there about what has happened in Medicare: that if a citizen, for example, would like a second mammogram in a year, and Medicare says you only can have one that is covered but a citizen would like a second one, there is a lot of rumors going around out there that if a citizen wants to buy additional coverage for some procedure that is not covered under Medicare, that somehow if the doctor provides that coverage and charges the patient, that the doctor is kicked out of the Medicare program for 2 years.

Let me just say definitively that that is absolutely not true. There are a lot of different groups putting this information out. It is absolutely not true.

Let me give this in a specific example. Let us just say someone had a mammogram, and for whatever reason 3 months later they decided they would like a second one. Medicare says I am not going to cover the second mammogram. And the patient says, well, I want it done anyway and I will pay the doctor for doing it, and the doctor says, okay, I will do it. That is perfectly legal. It is permitted. There are no repercussions back against the doctor. The doctor makes that decision to do it if the patient decides they would like to pay for it outside of Medicare.

So specifically on things that are not covered under the Medicare program, if a doctor provides those services, there are absolutely no ramifications back against the doctor. I just mention that as it relates to Medicare because we have heard so many different stories when I have been out there in public.

So I am going back now to the Tax Code change and just a few other details in it. One other one that is very important to me, I had mentioned capital gains before but I did not mention the adoption tax credit. I think this really says something about where we are going as a Nation.

I have got a lot of charts and graphs here, and they talk about numbers, and they are showing lines and different things that happened, but that is not really what this government is about. This government is about people. It is about values. It is about where we are going as a Nation, what kind of a country we are going to have. It is about how much government is going to be involved. I think when we look at that, we need to understand that the government does, in fact, have a heart, and that we understand that there are tough situations out there in a lot of places in this country.

We also should understand that when we changed this Tax Code, we looked at the possibility of adoptions in this country. What we found is that to have an adoption in America it costs roughly $10,000. So if we have got a middle-income family, say they are earning $40,000 or $50,000 a year, and for whatever reason that family finds out they cannot have their own children, $10,000 might have been insurmountable in terms of adopting a child.

So what we did in the Tax Code is we changed the Tax Code. There is now a $5,000 tax credit to assist that middle-income family with the process of adoption and paying the bills that are involved in the adoption.

So this Tax Code change, it is not all about numbers, and it is not all about these charts I have here. There is a large degree of feeling involved in these. And we recognize that things like the $400 per child, leaving that money in the family's home as opposed to having it out here in Washington, it is not just about numbers. It is about people. It is about the impact that this money in the family will have on these families.

Another example on the $400 per child, I was in with a group of people

who had many of their children enrolled in parochial schools. I talked to them about the potential of government providing them some sort of tax assistance for parochial schools. And right away, they reacted no, no, no, no, we do not want any government support for our school. Because they are afraid with government support come government rules and regulations that may not match up with what our parochial schools are teaching, my own kids included that go to a parochial school.

So I explained to them how the $400-per-child tax credit allowed them to make the decision on what they were going to use their own $400 for. If they choose to use that $400 to help pay tuition at a parochial school, well, so be it. That is money that would have been sent to Washington that is now in their home, and they can then choose to make the decision to send their kids to a parochial school if they so desire. But it is not Washington telling them what to do with the money, and it is not Washington telling their parochial school what to teach in their school, but, rather, it is now the parents in their own home making the decision as to how to spend their own money.

I would like to wrap up my time here on the floor today with kind of just a brief summary of some of the things we have talked about. We have looked at the past, and we have looked at how in the past we had a series of broken promises to balance the budget.

Before 1994, we had Gramm-Rudman-Hollings, the budget deal of 1990. We looked at how, in 1993, they reached the conclusion on how to solve this problem. Rather than control Washington spending, the conclusion was to reach into the pockets of American citizens. I know for all the people out there, it was not the first time. I know it was part of the 1990 deal. I know it was part of the 1993 deal. But I also know that every time they reached in the pockets and took more money out here to Washington, all it did was allow them to spend more out here in Washington, and that is not what the people wanted.

That path of broken promises of the balanced budget and the path of higher taxes, that is over. It ended in 1994 when the American people stepped up to the plate and said enough is enough, it is going to stop. They put a new group in charge out here in Washington.

We are now 3 years into that new group. The new group has brought us a balanced budget, not in 2002 as promised, but 4 years ahead of schedule. The announcement today, great news, CBO, from the organization that watches budgeting out here: We are, in fact, running a surplus for fiscal year 1998. The first time since 1969, we are going to have a budget surplus.

□ 1615

Great news. Three years into this thing, we have done it by controlling the growth of Washington spending. We have been effective enough at slowing the growth rate of Washington spending, that we have not only gotten to a balanced budget 4 years ahead of schedule, we have been able to provide the American people with a tax cut.

When I say "we provide," shoot, it is the American people that earn that money. All we are doing out here in Washington is saying keep more of your own money. It is yours to start with, just do not send it out here to Washington. The present, the present has a balanced budget for the first time since 1969; The present, the present is lower taxes for the first time in 16 years; the present, the present is a restored Medicare, and done the right way, with feeling and understanding for our senior citizens.

The future. As we look forward to this, we have 3 major problems remaining. The first is we still have a $5.5 trillion debt staring us in the face; the second is the Social Security money that needs to be put aside for Social Security; and the third is taxes are still too high.

So as we look down the road to the future in this great nation, the National Debt Repayment Act which we have introduced in our office, bill number H.R. 2191, takes two-thirds of any surpluses that develop and it uses it to pay off the debt. Prioritizing, repayment to the Social Security Trust Fund for our senior citizens.

The good news under this bill is that by the year 2026, and maybe sooner, we will have repaid the entire Federal debt that will restore the Social Security trust fund for our senior citizens and it will allow us as a generation to pass this country on to our children debt-free.

I can think of no higher goal that we might have in this government today than to work to a point where we repay the Federal debt so our children can inherit a Nation that is absolutely debt-free. In doing so, we also restore the Social Security trust fund for our seniors.

The other one-third of the surpluses that are developing, let us use those to lower taxes, and let us set our vision for the future that we get the tax rate from 37 back to 25 percent. Would it not be great if one-third of all taxes paid by all Americans at every level of government was reduced, and those American citizens could keep it in their own pocket to decide what they would like to do with it, whether it be to help their children, whether it be to put their kids through college, whether it be to provide their kids with a private school, if that is what they would like to do, if they in their own wisdom think that is better for their children. But the bottom line is to leave that money in the hands of the people that earned it in the first place.

Would that not be a great vision for America? Paid off debts, so our children get a debt-free nation; a restored Social Security trust fund for our senior citizens; and lower taxes, a one-third reduction in the overall tax rate all across America?

Lest anybody think we cannot do it, I just remind the American people of what was said in 1995 when we were first elected. They said you cannot balance the budget and lower tax. Here we are, three years into it, four years ahead of schedule, with the budget balanced, taxes coming down and Medicare restored. It can be done, if it is the will of the people, and if the people get actively involved in making sure that this government does what they want this government to do.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 17 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 5 p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 217, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 217, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 386, nays 23, not voting 21, as follows:

[Roll No. 26]

YEAS—386

Abercrombie	Allen	Armey
Ackerman	Andrews	Bachus
Aderholt	Archer	Baesler

Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
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
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
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)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—23

Blumenauer
Cannon
Chenoweth
Coble
Cox
Crane
DeFazio
DeLay
Diaz-Balart
Duncan
Hostettler
Jones
Manzullo
McIntosh
Miller (FL)
Paul
Rivers
Royce
Ryun
Sawyer
Sensenbrenner
Shadegg
Wamp

NOT VOTING—21

Christensen
Doolittle
Gonzalez
Gutknecht
Harman
Hefner
Luther
Maloney (CT)
McInnis
Neal
Poshard
Ros-Lehtinen
Roukema
Rush
Salmon
Scarborough
Schiff
Shimkus
Smith, Linda
Torres
White

□ 1725

Mr. WAMP and Mr. MILLER of Florida changed their vote from "yea" to "nay."

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MEEK of Florida. Mr. Speaker, on roll call vote #26 on the bill, H.R. 217, taken on March 3, 1998, I was erroneously recorded as voting "yes." On that vote I intended to be recorded as voting "no."

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, due to illness, I was in Minnesota today and unable to vote on H.R. 217, the "Homeless Housing Programs Consolidation and Flexibility Act." Had I been present, I would have voted in support of H.R. 217.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2495, the Higher Education for the 21st Century Act.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 1996 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 32nd Annual Report of the Department of Housing and Urban Development, which covers calendar year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE BIENNIAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Seventh Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1996 to January 31, 1998).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

1998 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Education and the Workforce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on

Transportation and Infrastructure, Committee on Veterans' Affairs, and Committee on Ways and Means:

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1998 National Drug Control Strategy* to the Congress. The *1998 Strategy* reaffirms our bipartisan, enduring commitment to reduce drug use and its destructive consequences.

This year's *Strategy* builds upon the 1997 *Strategy* and is designed to reduce drug use and availability in America in half over the next 10 years—a historic new low. This plan has been developed under the leadership of General Barry McCaffrey, Director of National Drug Control Policy, in close consultation with the Congress, the more than 50 Federal agencies and departments involved in the fight against drugs, the dedicated men and women of law enforcement, and with stakeholders—mayors, doctors, clergy, civic leaders, parents, and young people—drawn from all segments of our society.

I am also proud to report that we have made real and substantial progress in carrying out the goals of the 1997 *Strategy*. Working with the Congress, we have begun the National Anti-Drug Youth Media Campaign. Now when our children turn on the television, surf the "net," or listen to the radio, they can learn the plain truth about drugs: they are wrong, they put your future at risk, and they can kill you. I thank you for your vital support in bringing this important message to America's young people.

Together, we enacted into law the Drug-Free Communities Act of 1997, which will help build and strengthen 14,000 community anti-drug coalitions and brought together civic groups—ranging from the Elks to the Girl Scouts and representing over 55 million Americans—to form a Civic Alliance, targeting youth drug use. By mobilizing people and empowering communities, we are defeating drugs through a child-by-child, street-by-street, and neighborhood-by-neighborhood approach.

We have also helped make our streets and communities safer by strengthening law enforcement. Through my Administration's Community Oriented Police (COPs) program, we are helping put 100,000 more police officers in towns and cities across the Nation. We are taking deadly assault weapons out of the hands of drug dealers and gangs, making our streets safer for our families. We have taken steps to rid our prisons of drugs, as well as to break the vicious cycle of drugs and crime. These efforts are making a difference: violent crime in America has dropped dramatically for 5 years in a row.

Over the last year, the United States and Mexico reached agreement on a mutual *Threat Assessment* that defines the scope of the common threat we face; and, an *Alliance* that commits our great nations to defeating that threat. Soon, we will sign a bilateral *Strategy* that commits both nations to specific actions and performance benchmarks. Our work to enhance cooperation within the hemisphere and worldwide is already showing results. For example, Peruvian coca production has declined by roughly 40 percent over the last 2 years. In 1997, Mexican drug eradication rates reached record levels, and seizures increased nearly 50 percent over 1996.

We are making a difference. Drug use in America has declined by 50 percent over the last decade. For the first time in 6 years, studies show that youth drug use is beginning to stabilize, and in some respects in even declining. And indications are that the methamphetamine and crack cocaine epidemics, which in recent years were sweeping the Nation, have begun to recede.

However, we must not confuse progress with ultimate success. Although youth drug use has started to decline, it remains unacceptably high.

More than ever, we must recommit ourselves to give parents the tools and support they need to teach children that drugs are dangerous and wrong. That is why we must improve the Safe and Drug-Free Schools program, and other after school initiatives that help keep our kids in school, off drugs, and out of trouble. We must hire 1,000 new border patrol agents and close the door on drugs at our borders. We must redouble our efforts with other nations to take the profits out of drug dealing and trafficking and break the sources of supply. And we must enact comprehensive bipartisan tobacco legislation that reduces youth smoking. These and other efforts are central elements of the *1998 National Drug Control Strategy*.

With the help of the American public, and the ongoing support of the Congress, we can achieve these goals. In submitting this plan to you, I ask for your continued partnership in defeating drugs in America. Our children and this Nation deserve no less.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998*.

□ 1730

SPECIAL ORDERS

WETLANDS RESTORATION AND IMPROVEMENT ACT

The SPEAKER pro tempore (Mr. LATHAM). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to talk about our Nation's wetlands and a bill I have introduced to protect and expand these national treasures. I represent a district in eastern North Carolina which includes a majority of the State's coast and 4 major river basins. According to the Federal Government, 65 percent of the area can be classified as wetlands. Clearly wetlands are very important to me and to the citizens of my district.

Eastern North Carolina appreciates the beauty and value of wetlands as much if not more than anybody else. They understand the importance of wetlands to the environment, to water quality and to the life they support. Eastern North Carolinians also want to respect the rights of property owners, and therefore have reached for a balanced approach to protecting our wetlands while allowing landowners to have reasonable use of their properties.

Mr. Speaker, I strongly believe that the common sense solution we have sought is wetlands mitigation banking. Mitigation banking allows private property owners to pay wetlands experts to mitigate the impact their development will have on wetlands. Those experts, working with regulators, do the mitigation in banks of land which are set aside, restored to wetland status and, most importantly, enhanced.

This concept has been embraced by regulators, developers and the conservation community. It is an improvement upon traditional mitigation, which simply is not working because it is too expensive, time consuming and ineffective. Approximately 90 percent of on-site mitigation is unsuccessful. Mitigation banking, on the other hand, creates complete ecosystems.

Regulators usually require that more wetlands be restored in a bank than are destroyed in a development project. For example, in some parts of the South that ratio is 4 to 1, meaning that 4 acres of land must be restored for each acre that was destroyed. So instead of only trying to protect the remaining wetlands with mitigation banking, we are actually increasing wetlands acreage. What is more, because mitigation banks give economic value to wetlands, potentially billions of private sector dollars could flow into restoring wetlands in sensitive watersheds.

Mitigation banking is already being implemented in several areas throughout our Nation. The problem is there is no statutory authority to guide mitigation bankers. Let me repeat that, Mr. Speaker: The problem is there is no statutory authority to guide mitigation bankers. Thus investors are hesitant to supply the money needed without legal certainty.

For this reason, I have introduced the Wetlands Restoration and Improvement Act, H.R. 1290. The legislation, one, requires the bank to meet rigorous financial and legal standards to ensure that wetlands are restored and preserved over the long term; secondly,

provides for ample opportunity for meaningful public participation; and, third, ensures that the bank itself has a credible, long-term operation and maintenance plan.

This legislation is the common-sense, balanced approach America needs to protect both our valuable wetlands and the rights of property owners. I hope my colleagues, Mr. Speaker, in the House will look seriously at cosponsoring this legislation.

TOWARD A FAIRER, FLATTER AND SIMPLER TAX SYSTEM

The SPEAKER pro tempore (Mr. TIAHRT). Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, the President is defending the indefensible. President Clinton yesterday described congressional Republican efforts to overhaul the Tax Code and to change our tax system into one that is more pro-family, one that encourages investment and savings, and one that moves the country in the direction of a fairer, flatter, simpler Tax Code, a fairer, flatter, simpler alternative to the system we have today, he described those plans now pending in Congress as reckless in remarks that the President made yesterday here in Washington to the National Mortgage Bankers Association. In fact, the President went on to say that our approach of phasing out the current income tax system and replacing the current 9,000 page, 5.5 million word Tax Code with a fairer, flatter, simpler alternative, he described that approach yesterday as "misguided, reckless and irresponsible."

I read this entire article, and I have searched his remarks trying to find out what the President would propose. If he does not like our alternative, then what would the President counter with? What would he propose as a better alternative to our plans? Or is the President, as it would appear from his remarks, defending the current Tax Code and the current tax system?

It would appear that the President does favor the status quo, that he is, as I said in my opening comments, defending the indefensible. He cannot possibly think that a system that has created, and this has now been well documented in hearings that we have had back here in Washington, a culture of abuse that has led to many collection abuses around the country, he cannot possibly be defending that system, could he? It is a system that has resulted in one newspaper headline after another.

I cited these earlier this morning on the floor under morning business, but since more of our colleagues are present now, I want to share these headlines again. Here is one: The IRS Unveils New Taxpayer Protections to Limit Agents' Ability to Seize Assets. It actually quotes in this article the new Commissioner of the IRS as saying, quote, I am especially troubled about the emphasis placed on collection statistics, otherwise known as quotas, without an equal emphasis on customer service and safeguarding taxpayer rights.

Look at some of these other newspaper headlines: New Audit at IRS Finds Some Agents Focused on Quotas. We are talking about many, many agents in IRS offices around the country. Treasury Chief Vows Action against IRS Quotas. Top Official Offers a Mea Culpa. That is an apology, I guess, for the IRS, for the collection abuses and for a system again that targets individual American taxpayers and sets out quotas, if one can imagine, for IRS collection agents.

We are trying desperately to reform the IRS, as I said earlier today, into an agency that treats taxpayers with the respect and provides them with the service that they deserve. But, instead, the President is throwing up roadblocks in our way, defending the indefensible, standing up for the current system, and using scare tactics to frighten the American people about what would happen if we move the country in the direction of a fairer, flatter, and simpler tax system.

Now we are attempting to initiate a national discussion about either replacing the current income tax with a national sales tax, a tax on consumption, or a flat tax. We believe that is the way to go. Both of these plans would be simpler and fairer than the current code, the system that the President is defending.

I will tell you, I personally object when the President uses language like reckless, misguided, and irrelevant. I will tell you, I will tell the President, I will tell my colleagues who support the President's position on this what Jack Farris said, the President of the National Federation of Independent Business, an organization of small businesses around the country trying to garner one million signatures on a pledge to replace the current tax system and scrap the Tax Code, which would end the IRS as we know it. It is a death sentence for the current Tax Code by the year 2001. Mr. Farris said, in response to the President, what is irrelevant is a 500-million-word Tax Code that is antiwork, antisaving, and antifamily.

One of our former colleagues, now Senator TIM HUTCHINSON from Arkansas, was quoted as saying yesterday, with less than 6 weeks left before Americans must file their tax returns, President Clinton has shown himself to be out of touch with the plight of the American people.

Mr. Speaker, we definitely need to move the country in a direction of a Tax Code and tax system that would change the current disincentive in the system that favors spending and consumption over savings and investment. This comment, this approach of the President of disparaging the free enterprise system is not going to work. We need to revive our Tax Code in order to move the country in a direction of a fairer, simpler system and to maintain our national prosperity.

ENGEL SLAMS BELGRADE'S BLOODY CRACKDOWN IN KOSOVA; CALLS FOR UNITED STATES TO STOP IGNORING THE SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday there was a brutal crackdown in a region called Kosova, which is home to more than 2,000 ethnic Albanians who live under the oppression of Serb tyranny. The Serbian police came in and summarily started beating and killing ethnic Albanians, more than 20 of whom were murdered in cold blood.

The region of Kosova, which is 90 percent Albanian, I have been there a number of times as chairman of the Albanian Interest Caucus of this House. The people there are truly a people living under oppression. They have no political rights. They have no human rights. They have no economic rights. Unemployment is unbelievable. Day after day after day turns into months; and year after year, there is no improvement on the ground.

The United States cannot, Mr. Speaker, stand idly by and allow Serbian President Milosevic and his henchmen to brutally kill people for no reason. This oppression must stop, and the United States is the only country that has the power to stop it.

I have been calling for a number of years for the appointment of a special envoy from the United States to the region of Kosova. Only if the United States gets involved with the appointment of a special envoy do I believe that progress will be made on the ground in Kosova. This would be very similar to what we have attempted to do in Ireland with Senator Mitchell. And we ought to forthwith appoint a special envoy.

My resolution, H. Con. Res. 205, calls for the appointment of a special envoy and calls for sanctions, strong sanctions to be continued on Serbia until there is improvement in the economic and political and human freedoms in Kosova.

Just last week, Mr. Speaker, our government loosened some of the sanctions imposed on Serbia. It sent the wrong message at the wrong time, and I am sure unwittingly contributed to Mr. Milosevic and his henchmen thinking that they can brutally crack down on the Albanians in Kosova.

It is time now to reimpose those sanctions that we removed just last week. It is time to have new sanctions. It is time to make sure that the outer wall of sanctions is in place, continues to be in place and continues to be expanded, because Serbia cannot practice this kind of oppression and think they can get away with it.

Now in 3 weeks the Albanians in Kosova are scheduled to hold elections. And, again, Mr. Speaker, there is no coincidence that these crackdowns came 3 weeks before the Albanian elections are to be held. This is clearly a blatant attempt to intimidate the Albanians, to try to prevent them from exercising the political freedoms that all of us say that we hold dear.

□ 1745

I have often said that the people of Kosova, 90 percent of whom are ethnic Albanians, have the same right to self-determination that all peoples of the world have; no more, but certainly no less. And they have a right to determine their political future, they have a right to determine their economic future, they have a right to determine all of their future, and they do not have the right to be people under occupation, oppressively, brutally occupied and beaten by the Serb authorities.

This is not simply an internal problem in Serbia; this is a human rights problem. The autonomous region of Kosova, in my opinion and the opinion of anybody who likes freedom, has to understand that this region, the people living in the region, should be the sole determining factor in terms of their political future. They should decide their own political future.

Now, both President Bush and President Clinton had issued a Christmas warning saying that the United States would draw the line and would not stand idly by with a brutal crackdown in Kosova. My big fear is that this is the start of a crackdown, and we know what Serb nationalism can do. We saw what it did in Bosnia.

Bosnia could seem like a tea party compared to what could happen in Kosova if the world community and the United States and the European nations do not get involved right now. With 2 million ethnic Albanians, some people would like nothing better to do than to drive a million of them over the border into Albania, and perhaps massacre another million. We cannot stand idly by and allow this to happen.

Only the United States, again, has the power and clout to say to Milosevic and his henchmen, we will not allow you to brutally oppress the people of Kosova, the ethnic Albanians in Kosova. They are entitled to all kinds of rights and freedoms that we treasure here in the United States.

What kind of life is it for people that have no hope of getting employed? What hope is it of people, what kind of life can they expect, if there are no political freedoms, if they cannot get a job, if they cannot teach in the Albanian language, if the schools are oppressed?

There have been peaceful demonstrations going on and going on, and these people have been clubbed and beaten brutally. We cannot allow this to happen. We cannot send a message and say that because things are a little better in Bosnia, now is the time to forget about Kosova.

Mr. Speaker, we must reimpose the sanctions, we must have a special envoy, and we must unequivocally call for freedom for the Albanian people in Kosova.

TAX CODE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. Thune) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, yesterday the President came out and criticized a piece of legislation of which I am a cosponsor of that would call for sunsetting the Tax Code in the year 2001. Frankly, I think when he came out and did that, he really did defend the indefensible.

We have a Tax Code in this country which has become an abomination for the people who have to comply with that law, from individuals, to families to small businesses. Look at where we are today in terms of the volumes of information, the volumes of instructions, the volumes of actual forms of tax law that are out there, the laws and regulations, some 6,000 pages, 34.5 pounds. We spend in this country over 5 billion man-hours a year complying with the Tax Code. There are 480 different forms.

As I went through my tax return this year, I did it a couple of weeks ago, the thing that occurred to me is that the people of this country, even though we lowered taxes last summer in the balanced budget agreement, the people of this country have an even more difficult job this year of complying with the Tax Code than they did last year, because every time Congress touches the Tax Code, we make it more complicated.

I went through those forms. In the back of one particular form there is this elaborate computation and elaborate calculation in which it asks you if this is smaller than this or lesser than this but larger than this, multiply it by 15 percent and subtract it from here and keep going, and on and on and on.

We have a responsibility to the taxpaying people of this country to make the revenue system, the collection system, in this country fair, and to make it simple. So when we talk about eliminating the Tax Code and coming up with a new Tax Code for a new century, that ought to be a goal that all of us in this chamber share, and I would hope that the White House shares it as well.

When the President made his statement yesterday critical of this particular piece of legislation, it indicated he is willing to defend the status quo and willing to go along with what has been the program here for too many years in Washington, DC.

I think that if we are going in fact to reform the Tax Code in this country, that it really starts with a couple of principles, and I think the first one has to do with the fact that if we are going to this year go about the process of writing a tax bill, that the first thing we ought to have is a principle that it ought to be broad-based.

So we have introduced legislation, I along with the gentlewoman from Washington (Ms. DUNN), that in fact would deliver tax relief to the extent we are able to do that this year in a way that is broad-based, in which all people benefit from a growing economy.

We have also introduced legislation that would further simplify, rather than complicate, the Tax Code. That is something, as I said, that is desperately needed. We need to move in that direction in the next century, so we can have a new Tax Code for a new century.

So having said that, and having noted that there is a lot of internal resistance in this particular city to changing the Tax Code, I take some consolation in the fact that the same resistance was there when it came to welfare reform a few years back, and when it came to a balanced budget agreement.

People said all of these things could not be done. And what had to be done in order for Congress to get to that goal is to establish a deadline, to create a deadline out there, to say this is what we are going to do on this date.

The only way we can do that, with the Tax Code is to create a similar deadline, and that is to say to the people of this country that we are going to do away with the existing code and that we are going to start over, with a new Tax Code that makes sense to the people who have to pay the taxes in this country.

So as we pursue this legislation, sunsetting the Internal Revenue Code in the year 2001, I think that it ought to be something that everybody in this body can support, because certainly the people in this country are willing to support that. We cannot continue to go on defending the status quo and allowing all the resistance to change that is in this Washington-based community to keep us from doing the right thing for the people of this country.

As I said earlier, as we move towards that goal, to the extent this year we are able to accomplish anything meaningful in terms of tax relief for the American public, that we ought to do

it in a way, one, that is broad case based, and one that will further simplify and not complicate the Tax Code.

We have introduced legislation, the first piece of which would drop more people out of the higher 28 percent bracket into the lower 15 percent bracket. That is to say to the people of this country that we want to encourage you to work harder to improve your lot in life, to earn more. In saying that, we are not going to, as a matter of policy, take from you 28 cents of each additional dollar that you earn.

In fact, our legislation which raises the income threshold at which the 28 percent rate would apply actually drops 10 million filers in this country out of the higher 28 percent bracket and into the lower 15 percent bracket. In all, 29 million filers in America would benefit from this tax relief to the tune of about $1,200 per filer. That is real relief for the people, the hard working taxpayers in this country.

Whether the issue is health care, child care, retirement or education, this enables the people of this country to make the decision in the fundamental way about what is the best way to meet those needs. They can take those dollars that they would save in the form of lower taxes and apply that toward child care needs, towards education needs, toward health care needs.

That is a matter of philosophy, something we very much agree with, and that is that the people of this country ought to be trusted to make that decision on their own, rather than having the bureaucracy in Washington direct targeted tax relief and say you are a winner or loser based upon whether or not you behave in a certain way. That is the philosophy embodied in this tax relief bill.

The second bill is similar in that it raises the personal exemption for each filer in this country. To the extent you have additional dependents, it raises that exemption from $2,700 to $3,400, thereby reducing the taxable income to families in this country.

Again, it does it in an across-the-board way and moves us closer to the goal of simplification, so the ultimate goal of a new Tax Code for a new century can be met. I believe that, again, is ultimately where we ought to be heading.

So to the extent we do anything in the next couple of years as we have this debate about tax reform, to lower the tax burden on American people in this country, it ought to be with an eye toward the actual ultimate goal of a new Tax Code for a new century. I support the legislation of the gentleman from Oklahoma (Mr. LARGENT), who is on the floor, to sunset the existing tax code, and I look forward to working with him to see that that becomes the law of the land, irrespective of the footdragging that is happening on the other end of Pennsylvania Avenue.

TAX CODE TERMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LARGENT) is recognized for 5 minutes.

Mr. LARGENT. Mr. Speaker, I would like to take a few minutes to address some of the comments and concerns that the President made yesterday at a speech when he was talking about the Tax Code Termination Act.

This is a bill that myself and the gentleman from New York (Mr. PAXON) have introduced in the House, H.R. 3097, that simply does this: It sunsets the current Tax Code in the year 2001, December 31. It establishes a date certain that we sunset the entire Tax Code with the exception of the payroll deduction taxes on Social Security and Medicare.

The President in his comment said that it would be irresponsible to sunset the Tax Code, that it would create an environment that would be uncertain and not predictable, and that it would have grave consequences on our economy.

Let me just say, Mr. Speaker, that what is irresponsible is to continue to leave intact the Tax Code as we know it today, a Tax Code that literally is punitive, confusing, con founding. Even the experts do not understand; even the people that are paid to administer the current Tax Code do not understand it.

Recent statistics show that the IRS, you call and ask a question about your individual tax return, 47 percent of the time the Internal Revenue Service gives you the wrong answer. The problem is when you go to court, they take you to Tax Court because you have submitted the wrong answer, you are guilty, even though you got the wrong answer from the Internal Revenue Service.

The current code drains $200 billion a year from the U.S. economy. That is how much it costs to file all individual and business tax returns in the United States, over $200 billion.

5.3 billion hours it takes from American businesses and individual taxpayers to file their tax return, 5.3 billion hours consumed by trying to meet the Tax Code.

Let me just say I believe it is un-American and even immoral to have a Tax Code that punishes taxpayers, punishes businesses, and basically shouts at them, guilty, guilty, guilty. Not innocent. That is what our current Tax Code does.

Let me just throw up a couple of charts for illustration purposes to highlight the problem. This first chart shows the number of words first in the Declaration of Independence, 1,300 words in the Declaration of Independence, the words that define the moral vision of our national government, 1,300 words in the Declaration of Independence.

□ 1800

In the Bible, the holy Bible, the word of God, 773,000 words in the Bible. But take the IRS tax code and all of the case law that supports the tax code, 2.8 million words in the IRS tax code, and the case law to support the IRS tax code. That is wrong. We can do better.

The next chart, I think, highlights why we need to sunset the current tax code. Right here, what you see is two lines rising precipitously since 1964. The orange line you see is the words in the U.S. tax code. The actual code itself contains 800,000 words. From 1964 it quadrupled to 1993 from 200,000 to 800,000.

Members will notice that the number of lobbyists in Washington, DC. also went from just over 10,000 to 70,000 in that same period of time. The beauty of the tax code Termination Act is this: that we have a national election for the next President in the year 2000. The tax code will be sunset 1 year after that election. So what we will end up having is, if the tax code Termination Act is passed, essentially a national referendum on replacing the tax code.

You have three candidates, A, B, C, from parties A, B, and C. You are a taxpayer and you go to hear them speak, or they are debating. The first question you are going to ask if this bill is passed, the tax code Termination Action, is, "Sir, if I vote for you for President, what will the tax code look like once you become President, 1 year after you take office?"

So we will have a national referendum on flat tax, national sales tax, the gentleman from Missouri (Mr. GEPHARDT's) modified flat tax, and every other variety therein. We will engage 265 million Americans in a debate at a national level on how we should replace the tax code, not the 70,000 lobbyists in Washington, DC.

Mr. Speaker, I will finish by saying that we need to encourage all Members of the House and the Senate to cosponsor the tax code Termination Act and see the death to this tax code. It is not too soon and hopefully it is not too late.

PAYING HONOR TO THE PEACE CORPS AND ITS VOLUNTEERS ON ITS 37TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, this is one of the first 5 minutes I have done in a very long time. I do so because I want to pay honor to the Peace Corps and to the volunteers who have served.

Today is the 37th anniversary of the founding of the Peace Corps by President Kennedy in 1961, as well as the first annual Peace Corps Day.

In my judgment, the Peace Corps is not a Democrat program, not a Republican program, it is a program that is

bipartisan. It is a program that has served not only our country with distinction, but also the many countries that we serve. And speaking as a former Peace Corps volunteer, I know we also get so much out of this enriching, cross-cultural experience.

Mr. Speaker, the bottom line is, the Peace Corps has done an extraordinary job, through its volunteers, in bettering the lives of people throughout this world, from providing safe drinking water to helping new businesses start up, from dealing with health care issues to establishing agricultural programs and fishery programs. I also want to commend the tremendous number of volunteers who were teachers and taught in schools throughout the world.

I would like to, as well, pay my respects to the Peace Corps volunteers who happened to serve in Fiji, where I served from 1968 to 1970, who now have completed their task. We have been in Fiji for 30 years, and this past August we bid farewell to our years of service in that beautiful country. The Peace Corps has finished its responsibilities in Fiji.

On August 22, the Deputy Prime Minister and Minister for Education and Technology, Taufa Vakatale, addressed the Peace Corps volunteers who were there and thanked them for their service. Mark Gearan, the director of the Peace Corps, was there as well. I would like to just read a portion of her comments to the volunteers in the closing ceremonies in Fiji.

She said:

The Peace Corps volunteers gave the local people in a new insight into the English language, with the variety of accents, pronunciation and spelling; they gave a new perception of what the white people or Europeans are really like. We learned they are down-to-earth ordinary people—not a class above locals.

She goes on to say:

The presence of the American Peace Corps volunteers in Fiji has made us in Fiji more aware of the importance of giving something back to society rather than expecting something from society. The fact that the volunteers have come from afar to give of themselves to a society they owe nothing to have made us realize that we are all a part of a global village. Thank you, Peace Corps, for that valuable lesson in the giving of oneself for the advancement of peace in this global community.

We, the people of Fiji, cannot be disheartened by this departure, for were it simply a matter of choice, we the people and the government of Fiji, would always prefer to maintain our personal and close relationship with the Peace Corps. We also sincerely believe that if it weren't for existing circumstances, this longing would be reciprocated by the government and people of the United States of America.

Then she concludes:

To all those Peace Corps volunteers presently serving or who have graced our tropical islands in the past, words simply cannot express the gratitude our people and government would like to extend to you all, especially your having given up a specific time in your lives to spend with us. In retrospect, I can only try and fathom the sense of your leaving behind your land of skyscrapers, freeways and mega-entertainment to come down to a country such as ours with its basic facilities, unfamiliarity, food and inclement weather.

Nevertheless, I can only be grateful for your courage and service towards humanity, for in your caring and hope for a more humane world, you have been great ambassadors of your great nation.

Mr. Speaker, I include for the RECORD the entire statement of the Deputy Prime Minister, and once again congratulate the Peace Corps, congratulate the volunteers who served, and congratulate our country for having the foresight, and a former President, President Kennedy, for establishing the Peace Corps.

The remarks of the Honorable Taufa Vakatale are as follows:

Honorable Christopher Shays, Peace Corps Director Mark Gearan, Excellencies, Ladies and Gentlemen: It is with great pleasure that I welcome you all here tonight on behalf of the government and people of Fiji to farewell from our shores of the United States Peace Corps. Pleasure, of course, not in the Corps' departure, but in your attendance here tonight to share in this rather small gesture of appreciation towards the endurance, grace, self-sacrifice, and unwavering determination the young women and men of the Peace Corps volunteers, brought with them to our islands, and have shared with us over the last 30 years.

The contribution of the Peace Corps towards the socio-economic development of the country, among others in the immediate region, does not need any elaboration other than the fact that the cross-cultural exchanges since have further enriched our already diverse society. When the Peace Corps volunteers first came to Fiji, they were used mainly in teaching in the rural areas. The majority went out to remote rural primacy schools where they lived in thatched bures with no electricity, piped water and other basic facilities. They mingled with the villagers and spoke the language, are the local food and generally participated in all the communal activities such as fish-drives, Mekes, church services, etc.

The Peace Corps volunteers gave the local people a new insight into the English language, with the variety of accents, pronunciations and spelling; they gave a new perception of what the white people or Europeans are really like. We learned that they are down-to-earth ordinary people—not a class above locals.

Many Peace Corps volunteers, over the years, have taken part in ceremonial Mekes, one performed with the people of Cakaudrove for Queen Elizabeth II's visit in the early 70's. One notable Peace Corps volunteer was renowned for making wine from local fruit, another helped to establish a museum collection of local artifacts, etc. in a school. Another volunteer who was a teacher in an outlying island helped the islanders to develop a cheap and effective Copra drier. Yet another, Alipate of Koro, turned to music and sang many Fijian songs which have been taped and sold locally. I could go on and on, but suffice it say that they have endeared themselves to the people of Fiji.

While Peace Corps volunteers have given their services in all areas of government, let me just highlight the Corps' contribution to education. In the early days the volunteers were posted to rural schools to help in the teaching of English and Math. We soon found, however, that we were wasting valuable resources and that this was not how we could use them efficiently. Hence they were posted to secondary schools to upgrade and assist in the teaching of math and science and at one stage, in the teaching of economics and accounting. We have not yet produced enough local teachers to replace the volunteers who were especially good in physics, chemistry and math, and my Ministry will certainly feel the gap left by the volunteers when they leave.

The presence of the American Peace Corps volunteers in Fiji has made us in Fiji more aware of the importance of giving something back to society rather than expecting something from society. The fact that the volunteers have come from afar to give of themselves to a society they owe nothing to have made us realize that we are all a part of a global village. Thank you Peace Corps for that valuable lesson in the giving of oneself for the advancement of peace in this global community.

The departure of the Peace Corps exemplifies one of the significant developments now taking place in our global community and which we developing countries will have to address immediately and effectively. That of diminishing assistance from developed countries in the North due to a general shift in foreign policy following the end of the Cold War and as their respective citizens demand improved public services neglected or overlooked prior to 1991.

We, the people of Fiji, cannot be disheartened by this departure, for were it simply a matter of choice we the people and government of Fiji, would always prefer to maintain our personal and close relationship with the Peace Corps. We also sincerely believe that if it weren't for existing circumstances this longing would be reciprocated by the government and people of the United States of America.

To all those Peace Corps Volunteers presently serving or who have graced our tropical islands in the past, words simply cannot express the gratitude our people and government would like to extend to you all, especially your having given up a specific time in your lives to spend here with us. In retrospect, I can only try and fathom the sense of your leaving behind your land of skyscraper, freeway and mega-entertainment to come down to a country such as ours with its basic facilities, unfamiliarities, food and inclement weather.

Nevertheless, I can only be grateful for your courage and service towards humanity, for in your caring and hope for a more humane world you have been great ambassadors of your great nation. Your contribution to our nation is substantial and is gratefully acknowledged. In appreciation of your 30 years of dedication and devotion toward the progress of our nation let me say, "Vinaka Vakalevu."

The words of Dr. Albert Schweitzer come to mind as I try to find words to thank the American Peace Corps volunteers: "I do not know what your destinies will be. But I know that those amongst you who will be the happiest are those who will have sought and found how to serve."

I know you have come to Fiji to be of service and you have found how to give that service effectively to Fiji. It is thus my hope and the hope of the people and government of Fiji that you have been happy.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. SOLOMON (during the special order of Mr. SHAYS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–426) on the resolution (H. Res. 376) providing for consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS PARTICIPANTS TO THE NATIONAL SUMMIT ON RETIREMENT SAVINGS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participants on the part of the House to the National Summit on Retirement Savings.

Without objection, the names of participants will appear in the RECORD.

There was no objection.

Ms. Meredith Bagby, NY
Mr. James E. Bayne, TX
Mr. Carroll A. Campbell, Jr., SC
Ms. Joyce Campbell, Washington, DC
Ms. Hilda Cannon, GA
Mr. Christopher W. Clement, AZ
Mr. Benjamin Tanner Domenech, VA
Mr. Clinton A. Demetriou, GA
Mr. Pete du Pont, DE
Mr. Adam Dubitsky, Washington, DC
Ms. Lynn D. Dudley, Washington, DC
Mr. Ric Edelman, VA
Mr. John N. Erlenborn, MD
Ms. Shannon Evans, NV
Mr. Harris W. Fawell, IL
Mr. Peter J. Ferrara, VA
Mr. Ray Gaydos, Washington, DC
Mr. Craig Gholston, TX
Mr. Arthur Glatfelter, PA
Mr. Dylan Glenn, GA
Mr. James T. Gordon, GA
Mr. Brian H. Graff, VA
Mr. Matthew Greenwald, Washington, DC
Mr. Brent R. Harris, CA
Mr. Donald K. Hill, GA
Ms. Amy M. Holmes, Washington, DC
Ms. Karen A. Jordan, AK
Mr. John Kimpel, MA
Mrs. Beth Kobliner, NY
Mr. Gerald Letendre, NH
Mr. Ronald Lyons, OH
Mrs. Patricia De L. Marvil, VA
Mr. Philip Matthews, CT
Mr. Thomas J. McInerney, CT
Mr. Kevin M. McRaith, MN
Ms. Rita D. Metras, NY
Ms. Lena Moore, Washington, DC
Ms. Dana Muir, MI
Ms. Heather Nauert, Washington, DC
Mr. Jeffrey M. Pollock, NH
Ms. Pati Robinson, WA
Ms. Andrea Batista Schlesinger, NY
Mr. Eugene Schweikert, SC
Mr. Charles Schwab, CA
Ms. Victoria L. Swaja, AZ
Mr. Richard Thau, NY
Ms. Sandra R. Turner, FL
Mrs. Sunny Warren, GA
Mr. Albert Zapanta, VA
Mr. Roger Zion, IN

THE EFFECT OF NAFTA ON AMERICAN LIVES AND BUSINESSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, 3 months ago, Congress and the White House were locked in a heated battle over fast track, a very contentious issue, debate which we think for now has been set aside and put off until another day.

In the meantime, we have a real opportunity, in the calm after the storm, where we can begin a very thoughtful discussion with the American people about our engagement in the global economy.

I am pleased this evening to be joined by two distinguished colleagues who, together with me and the gentleman from Georgia (Mr. JOHN LEWIS), the gentlewoman from Ohio (Ms. MARCY KAPTUR), the gentleman from Florida (Mr. ALAN BOYD) and the gentlewoman from Florida (Mrs. KAREN THURMAN), took a trip through Georgia and Florida to talk to people who were affected by our trade policies. I am joined this evening by the gentleman from Michigan (Mr. BART STUPAK) and the gentleman from Massachusetts (Mr. BILL DELAHUNT).

Several of us, as I said, during the President's Day recess, got on a bus and went 500 miles. We stopped in some of the great cities of the South. We stopped in Atlanta and Tallahassee. We passed through small towns and countless miles of rural countryside. We visited farms and factories and cattle ranches and auto plants. We drove down bumpy roads. We took a few wrong turns, like we took one very long wrong turn. We stayed in people's homes along the way. We talked and we argued late into the night, and passed the time with folk songs and laughter. We had some very unforgettable experiences.

How many of us have had the chance to drive through rural Georgia, listening to the gentleman from Georgia (Mr. JOHN LEWIS) tell stories of the Freedom Rides which rolled through the same countryside in 1961, or tasted fried alligator tail served by the gentlewoman from Florida (Mrs. KAREN THURMAN) at a cattle ranch in someplace called Wacahoota, Florida, or followed the gentleman from Florida (Mr. ALAN BOYD) to the top of the Florida State Capitol building for a birds-eye view of Tallahassee?

But the most important thing that we did on our journey was to listen, listen to people, listen to how these policies had affected their lives. We saw some inspiring success stories, like the Ford Motor Plant in Hatfield, Georgia, which is just outside of Atlanta, where managers and workers have turned a unique partnership into one of the most successful auto plants in the world. They won the J.D. Power Award for Excellence.

We had a very good discussion that lasted over an hour with workers and managers all working together to make a good product, to make a quality product that pays good wages. We heard sad stories, too. We met with workers who lost their jobs at Lucent Technologies, a plant that closed 2 years ago and moved to Mexico.

This is a picture of our bus, with the gentleman from Massachusetts (Mr. BILL DELAHUNT), the gentleman from Georgia (Mr. JOHN LEWIS), and some of the workers. The gentleman from Michigan (Mr. BART STUPAK) is right here. Some of the workers who had lost their jobs are here.

I remember talking to one woman who was standing in front of this plant. She had worked there 25 years. She quietly told what happened when her livelihood disappeared. Like many people today who lose their jobs because of trade, she got another one, but it only paid $7.25 an hour, I believe, working at the Target store. She had been making $15 an hour.

The telephone that she once assembled for Lucent is now made in Reynosa, Mexico. Do you know what they pay folks down there to do that? Less than $1 an hour. But the price of the telephone, she told us, keeps going up. How did she know? She worked in the Target store now that sells those telephones.

We got on the bus from there and we went down to Columbus, Georgia, where we met with textile and apparel workers from throughout the region. They told us what happened when plants closed in small, rural communities where few opportunities are available for those who lose their jobs. More than 150,000 textile and apparel workers have lost their jobs in the past 2 years alone, 2 years alone.

Farther down the road, we visited with farmers who worked at a tomato packing co-op in Quincy, Florida. The once bustling facility now stands virtually empty. Since NAFTA was passed in 1993 more than half the tomato farmers in Florida have gone out of business. Many of these farms have been owned by the same families for generations. These people are very, very proud of their work, and they know they have nothing to fear from old-fashioned competition, but one after another, they told us of their story and their frustration.

Here they are, dealing with a situation in Mexico where tomatoes are

grown with chemicals and pesticides that are illegal here in the United States. They are grown in unsanitary conditions and picked by workers, including children, children who are 11, 10 years of age, who toil for indecent wages. That is what they are up against. These Florida farmers wondered aloud how much longer they can stay in business under these conditions.

So what does a tomato farmer in Quincy have in common with a garment worker in Columbus, Georgia? What connects a cattle rancher outside of Gainesville with these people here, a high-tech telephone worker in Atlanta? There is a thread that connects all of these people and their diverse lives. They have learned something important, something that people in Washington and Wall Street still do not understand. These people know from hard firsthand experience that something is wrong with our trade policy. Those of us who work in Washington have a lot to learn from these folks.

We know, of course, that a single bus trip cannot solve such a complex problem.

□ 1815

But these issues cannot be addressed without listening to the people who are affected and understanding what has happened to their lives.

We began such a dialogue with our 500-mile journey. This is a long-term debate. It is going to take many years, and we expect to be back on the road again soon to continue this discussion. I hope that others will join us from my party and the Republican Party as we work together to steer this Nation into the future. We can do this if we only find common ground, and we can find common ground if we engage in a dialogue, not only with each other but with the people in the country who are affected by these policies.

I believe, in conclusion, before I yield to the gentleman from Michigan (Mr. DELAHUNT) and the gentleman from Massachusetts (Mr. STUPAK), that what we are advocating is a policy for the future, a trade policy that deals with the issues that our parents and our grandparents and their grandparents struggled with a hundred years ago. Those same issues are being struggled with in countries that we do trade with today, that are trying to develop into a developed nation.

In this country 100 years ago we did not have the 8-hour day, we did not have the 40-hour work week, unemployment comp, worker's comp. We did not have the weekend. We did not have health and safety laws. All of those things happened because people were willing to sacrifice, they were willing to march, they were willing to demonstrate, they were willing to be beat up and go to jail. They were willing in some instances to die.

It was a Triangle Shirtwaist fire in the City of New York, at New York University today, a sweatshop where over 100 women were killed because of unsafe working conditions, that prompted the movement to a safe working condition in this country.

It was 9,000 coal miners living in tents, demanding an 8-hour day, and then having the companies mount machine guns on top of armored cars and threaten these miners, burning their tent site, killing 21 of them, including 11 children, that started the movement to get the 8-hour day.

It was Upton Sinclair's novel, "The Jungle," that exposed rotten food and beef in this country that was poisoning and killing too many innocent people. That led the movement to consumerism and led the movement to safe food.

All of this did not just happen. It happened because people did something about it. And there are people like those that I have just mentioned in Mexico and in Indonesia and in China who are struggling for these same basic rights: a decent wage, a right to organize, a right to assemble, a right to collective bargaining, and the right to lift themselves up to our level.

And it is not only right for us to stand with them because it is the right thing it to do; it is also the right thing to do for our people because when their standards go up, multinational corporations cannot say "Well, if you do not take a cut in pay, a cut in wages, a cut in benefits, we are moving to Mexico or Indonesia or China." They cannot say that because the standards there begin to rise and so the comparative advantage is gone.

In conclusion, Mr. Speaker, I want to say that I thank my friends who went on this tour, especially the two gentlemen who are with us today, the gentleman from Michigan (Mr. STUPAK), who knows the food safety issue. He knows all of these issues, but he knows the food safety issue as well as anyone in this Congress, and he has played an instrumental role in raising that issue to the forefront as we debate these issues. And the gentleman from Massachusetts (Mr. DELAHUNT) a new Member who immediately understood this issue and sensed the anger and the frustration in this country, sensed the inequities, and understands the plight of small business people in this, which never gets talked about but is very key as well, and who took of his time to come with us and listen and to see and to talk and to engage in dialogue so that he could come back here and express to our other colleagues what he had heard on this trip.

Mr. Speaker, with that I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding, and thank him for organizing this special order and actually being the leader on the fair trade campaign.

This bus trip that the gentleman talked about, where we went around Georgia and Florida and listened to people, was put on by the Citizens' Trade Campaign. That is a group of religious leaders, labor leaders, consumer groups, consumer advocacy groups, and they invited us to go out and get out of our safe districts, we are comfortable there, and go talk to folks like we have in our photograph there, I didn't know any of them there other than the Members of Congress, and to listen to their stories.

Mr. Speaker, I found throughout this whole trip, no matter what aspect it was, whether it was manufacturing or farming, Americans are eager to compete. They want to compete. They want trade agreements. But at the same time they know that this country has some standards that we must adhere to, whether environmental standards, labor standards, agricultural standards, and especially food safety standards.

They are saying, we are happy to compete. We can compete with anyone at any level. Just let us all play by the same rules. Let us have a fair trade agreement.

Mr. Speaker, it was interesting at the Ford plant that the gentleman spoke of where they made the Tauruses and the Sables, the number one efficient auto plant in the world according to J.D. Power and Associates, year after year. They are the number one plant. They have a great working relationship between labor and management.

We asked the question: How many cars do you sell to Japan? Obviously, they must sell a lot of this number one popular car. They said, "This year we are doing pretty well. We are going to get 670 units." We asked how many units do they make in an hour, and they can make 67 units in an hour. So what Japan orders from us as far as this very popular car is one 10-hour shift worth of cars, is all they are going to have, and they think that is a breakthrough for this year.

The point they stressed is that while they are the most efficient plant in the world according to J.D. Power, yet they can only sell 670 cars. What is going on here? And they do put the steering wheel on the right-hand side. And Japanese consumers love American cars, especially the cars that come off this line in Georgia.

All they ask is, let us compete. If they are going to bring a car in, let us bring a car into Japan. And they were serious and sincere and it was neat to listen to these guys.

Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding. I think a fact that I shall never forget

upon visiting that Ford factory was that the cost of the car that they produced, which was the Sable, a fine car, in the United States cost approximately $20,000. When that car was exported to Japan, the consumer in Japan had to pay approximately $45,000 for that vehicle.

Mr. BONIOR. And it was not just the expensive boat ride over.

Mr. DELAHUNT. It was not the expensive boat ride. But I think really what that particular statistic does really talks to what we are about, which was fair trade. We ought to have probably a picture of the car that was produced here, produced in Atlanta, Georgia, just to remind the American people that that car was $20,000 here in the United States and $45,000 in Japan.

Mr. Speaker, I yield back.

Mr. STUPAK. Mr. Speaker, reclaiming my time, the gentleman makes a very good point. We asked why does it cost so much? From $20,000 to $45,000 to $50,000? And they said: See, when we bring an American car and put it over in Japan, then we must follow their rules. We must now follow the Japanese standard. Every car must go through a processing center where they go through with a very fine-tooth comb, and they reject and continue to reject it until that is the perfect car. And every time there is a rejection and further inspection, the manufacturer here, in this case Ford, would then have to pay to bring it up to their standards.

So if I might, I would like to talk a little bit about standards tonight and food safety, because when we went to Florida and we had heard from the gentleman from Florida (Mr. BOYD), the gentlewoman from Florida (Mrs. THURMAN), the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. WEXLER) and others, as we were doing the debate about fast track last year, they said we are happy to compete with Mexico on food standards, especially our winter fruits and vegetables and the citrus, but just have the same standards. But since the implementation of NAFTA in 1993, they said look what happened in our State because we do not have the same standards. Florida has lost 50,000 agriculture-related jobs.

Mr. BONIOR. How many jobs?

Mr. STUPAK. 50,000 agriculture-related jobs since the implementation of NAFTA. The tomato industry has lost $750 million since 1993. They said our job, our health, our Nation's food standards have gone downhill. But we said, look, can we compete with Mexico to produce food at a competitive price while maintaining the world's highest food safety standards? They unequivocally said yes, we can, as long as the food coming into our country meets the same standards.

Mr. Speaker, we are not talking about a surcharge or anything to make it meet our standards. We are talking about some very, very basic health standards that this Nation has set forth, has fought for over the years to develop the world's greatest and safest food supply.

But look what has happened. Take our own State of Michigan. We had the school hot lunch program in which strawberries had come in from Mexico and they were tainted with hepatitis A. And Michigan is as far as one can get from the Mexico southern border. But we have to understand that our fruit and our food supply, especially our winter vegetables, 50 percent or more comes in from Mexico during these winter months.

So we had these strawberries that got in the school lunch program and they came from Mexico. At the initial outbreak we had 179 Michigan students contracted hepatitis A after eating tainted Mexican strawberries.

Mr. DELAHUNT. Mr. Speaker, could the gentleman repeat that, please.

Mr. STUPAK. It started out 179 Michigan schoolchildren contracted hepatitis A by eating tainted strawberries. It is now up to 324, and this is in Calhoun County, the public health officials have told us 324 have contracted hepatitis A from school lunch.

Mr. DELAHUNT. So from the time it was first diagnosed that this epidemic broke out, it has almost doubled in terms of the number of young children that have been conclusively diagnosed and contracted hepatitis as the result of the importation of unsafe food from Mexico?

Mr. STUPAK. Mr. Speaker, the gentleman is correct. I am talking about 10-year-old students here. Most of these children were second, third and fourth grade 10-year-old students.

If we stop and think about what we are doing in this country, we have food standards in this country that are the envy of the world. We have the safest food. But if we look at what has happened recently, every second of every day someone is stricken with food poisoning. If we take a look at it, that is 33 million Americans a year. In fact they attribute 9,000 deaths to tainted food here in the United States.

Mr. BONIOR. Mr. Speaker, that is a startling number. I do not think many of our constituents realize how widespread it is. I know my son just got food poisoning last week. We do not know exactly what it was from, but that was the diagnosis. It happens and it happens often. As my colleague says, 9,000 Americans die per year.

Mr. STUPAK. From food poisoning. And we do not always recognize it as food poisoning. But these numbers are from reports and studies of the General Accounting Office. U.S. News and World Report did a big article on it a couple of months ago. That is where some of these statistics derive from.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield for a question, what kind of inspection occurs when these food imports enter into the United States?

Mr. STUPAK. Well, jumping a little bit ahead here, but let me explain a little bit of what has happened, what we have found. I mentioned the General Accounting Office and they have done a couple of reports. One was in May of this year, and here is what they told us.

Mr. HUNTER. The General Accounting Office is an official agency of the United States Government, nonpartisan in nature?

Mr. STUPAK. Nonpartisan. FDA inspections, talking about domestic and imported foods, in 1981 we had 21,000 inspections in this country. 21,000. In 1996 we have, domestic and imported, 5,000 inspections. In 1981 we had 21,000 inspections of our food supply; 1996 we had 5,000.

Mr. BONIOR. It drops down.

Mr. DELAHUNT. That is less than 25 percent this past year of what occurred 6 or 7 years ago.

Mr. STUPAK. Mr. Speaker, remember what I said earlier. More than 50 percent of the lettuce, tomatoes, the fresh fruits and vegetables we consume in this country are not grown in this country because it is the wintertime. Our growing seasons are down, and especially now with the weather problems we have seen with El Nino as California has been hit.

So now we go back to what happened to the tomato industry that we saw in Florida. Why did they lose 50,000 agriculture-related jobs? Why did they lose $750 million in lost profits? Because they cannot compete with the Mexican tomato industry which has really taken over the U.S. market.

□ 1830

Down in Florida we tell them, you have to play by the rules. You cannot use illegal pesticides. You must use very clean irrigation water, and you must have proper handling of your product. But they do not play by the same rules in Mexico, and when they come across the border, there is no one to inspect.

For instance, take a look at it, there are 9,000 trucks per day that come in from our southern border carrying fruits and vegetables. Actually it is 12,000, but 9,000 are carrying food products. Of those 12,000, 9,000, which are food products, how many are inspected? One percent. Just 1 percent are ever inspected.

The infrastructure to do the inspections that are necessary was never in place when NAFTA, the North American Free Trade Agreement, was passed. And look what has happened. The inspections have actually gone down.

So we wrote the President and the administration a letter, 84 Members of this Congress signed it, and said, look,

if we are going to do these trade agreements, and we are for trade, and if we are going to have equal standards, you have to do a couple things, Mr. President. And we hope we can join and work with you because we want to have trade agreements, but we need to include three things.

Number one, we need to include strong food safety and health safety standards in these trade agreements, whether it is NAFTA or an extension of the fast track agreement. Have our standards, please, Mr. President. Let us increase the funding for border inspections of Mexican trucks carrying food produce, meats, frozen foods into our country, and last but not least let us begin an aggressive food labeling program so all food products that come into this Nation, when you go to the store and you reach for that tomato, it should be labeled in that bin, whether that is grown in Mexico, California or Florida. And let the American consumer decide whether they want tomatoes grown in Florida or Mexico.

Mr. BONIOR. Are there any States that do this now?

Mr. STUPAK. Right now there are two States. Florida is actually one of them. So is the State of Maine. In this bus trip we asked agricultural people, what does it cost if we would say you have to label your fresh fruits and vegetable products from the country of origin so the consumer would know? They said, it costs, according to State officials, $4 for every store you own a year, $4 for every store. There were some consumer groups and we asked them. I will take it back, it was $4 a month. So we asked the consumer advocacy groups what did they think. Florida said it was $4 per month per store. What do you think it is? They said, at most it is $8 to $10 per month per store. That is the added cost, very limited, very, very limited.

So there is not a big financial incentive why not to do it, but again, should not the American consumer have the final say on where they want their fruit, vegetables, especially during wintertime, where it is grown, you choose where you want to take it from, that that Nation does not live up to our standards like on irrigation water and illegal use of pesticides, then you should have the right to say, I reject that fruit or vegetable from Mexico. I would rather have U.S.-grown because I know the standards it lives by.

That is all we are trying to do is, what are the safety standards. We talk about safety standards all the time. Whether you are in Michigan, Florida, Georgia, when it comes to trade and food safety standards, you are certainly concerned about your health, your family's health, and you want to make sure you these high standards are met.

Mr. DELAHUNT. If the gentleman would yield, I do not think that there is any Member of this body that would disagree with the fact that it is unconscionable to allow food that is contaminated to be imported into this country.

I want to get back to the statistics that you talked about in terms of your home State of Michigan and Mr. BONIOR's State where there were in excess of 300 children under the ages of 10 who contracted hepatitis. But putting aside the human anguish, putting aside the fact that this is just unacceptable to the American people, what I would dare say is that the cost of treating the victims of that epidemic in terms of our health care dollars has to be substantial.

Somebody is paying the bill. And it would appear to be the people of Michigan in that particular case, but people all over this Nation in terms of allowing into this country the import or importation of food products that very well might be endangering the health of Americans, there is a dollars and cents cost to that.

Mr. STUPAK. No doubt. There is a dollar and cents cost, but let us continue with this Michigan example. There are 300 and some children now who have hepatitis A. We know how to treat that. You are very ill. There is an antibiotic, you will get better. But what has happened in Michigan? Give you some idea of what kind of food we are importing here, these children right now today are still suffering from loss of hair, skin loss, respiratory infections, asthma-related illnesses, shingles, sores in their mouth. Those are not symptoms of hepatitis A. The suspicion is that there were other things in these strawberries. The unclean water that they used to irrigate, could there have been lead, arsenic? Was there an illegal pesticide as Mexico uses, DDT? We have not used that in this country for a long time, and 30 other chemicals in this country they still use in Mexico.

So the secondary symptoms, which are quite horrendous to say the least, we have asked the FDA to do a further follow-up. You have these strawberries. They were impounded. What else was there? Was it lead? What else is causing these other symptoms for these poor children in Michigan? We wrote that back last fall. We still have yet to receive an answer.

So while there is a monetary cost, as the gentleman pointed out from Massachusetts, of treating hepatitis A, we have added costs of things we do not know. We have the agricultural loss of jobs. You have the industry loss, but how do you tell a 10-year-old whose hair is falling out that, well, it is OK, we have got a good trade policy in this country, and we just do not have enough inspections on the border, and, well, I mean, you cannot. Financially or emotionally, you cannot put a value on that.

Mr. BONIOR. It is not just the children in Michigan. Two facts briefly, if I could, that relate to your comments. No. 1, I was astounded to learn on our trip that approximately 70 percent of the food sold at this time of the year in Michigan in the Detroit area is imported, 70 percent. I do not know why I was astounded. I guess I never really thought about it that much. That is a huge number.

The second point I would make, it is not only the children of Michigan who have suffered dramatically as a result of these trade policies that do not take into account lower standards, health standards, but it is the children of Mexico as well. If you look along the border between the United States and Mexico from Texas to California, an area called the maquiladora, there has been virtually no cleanup. They have had this huge surge of industrial development and these plants pouring their waste and their sewage into canals where children bathe and play, and as a result we have had this terrible outbreak of health problems for these children.

The American Medical Association, a conservative and I might even say stodgy organization, but one that is held in pretty high esteem in this country, called this area, called this area, the border area, the maquiladora area, a cesspool of infectious disease. Their words, not mine.

So to get this to trade again, what we are all about is raising those standards so that not only those Mexican children but our children do not have to suffer the consequences that the gentleman from Michigan and my friend from Massachusetts, who so ably outlined for us.

Mr. STUPAK. Mr. Speaker, the issue here in the United States, we want to maintain our food supply as safe as we can. So while we want to raise the standards for the children south and even north of our border, we also must maintain what we already have. These standards, again, the workers we saw, they can compete with anyone provided we are playing by the same standards.

We have had problems with beef coming from Canada, that has been tainted. We have had trouble with Guatemalan raspberries. We have had milk problems up in the Northeast from an airborne pathogen that came over probably from Europe.

So that is why it was so important when we had the fast track discussion last fall and we asked the President to sort of do three things for us, to maintain our standards, the United States standards. Number one, renegotiate the provisions of NAFTA that relate to border inspections and food safety to ensure that any fast track authority would include strong food safety provisions. Secondly, we asked to increase the funding for border inspections or,

alternatively, limit the increasing rate of food imports to ensure that there is a safe supply of food here in this country. Last but not least, to begin the program to label all foodstuffs including fresh and frozen fruits, vegetables and meats with their country of origin. Unfortunately, that was not put forth by the administration.

I guess those were simple standards we asked for, but stop and think about it. About 6 months ago or maybe even a little longer, we were ready to go to a trade war with China over things like CDs, intellectual property rights, copyrights, banking laws. That is all fine. We have these standards for cassette discs. We have it for copyright infringement. We have it for so-called intellectual property, and we have it for copyrights. Why not for food safety, something where we all eat and consume? And yet we have more than 50 percent of our fruits and vegetables. At least give the American consumer the right to determine whether they want that tomato grown in Mexico or in Florida, and you know what standards they are grown under.

I learned a lot from these folks on our bus trip. I look forward to future trips for the Citizens for Fair Trade campaign. I think we are all for trade, but when you hear these stories of these people or whose children have been stricken because of improperly imported food, you certainly, your heart goes out to them. But this is an issue that is being repeated too often. As I said, each second of every day someone suffers from food poisoning, 33 million Americans a year suffer from it. There are 9,000 deaths per year.

A CD has never killed anybody, but we certainly maintain its standards. Why can we not have that same standard for our food safety in this Nation?

I thank Mr. BONIOR for organizing this special order and also being a leader on this issue and opening our eyes to some of these very, very serious issues that must be addressed, and it is the proper position of the U.S. Congress to ask these questions as we continue trade agreements around this Nation and around this world.

Mr. BONIOR. I thank my colleague for his insights and leadership, particularly on this aspect of the trade issue.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I, too, want to echo the sentiments expressed by Mr. STUPAK that it was an extremely informative and educational trip for myself as well as for every Member of Congress. I did learn something about food. As you know, I come from Massachusetts, which is not necessarily considered an agricultural economy. However, I should point out that Massachusetts is the second leading producer, it might be the first, but I will concede to Wisconsin, the second leading producer of cranberries, and most of those cranberries happen to be cultivated and grown in my district, which includes the south shore of Boston as well as Cape Cod and the islands.

But I did learn this that I had never known before. When we talk about globalization, when we talk about trade, you mentioned, for example, that 70 percent of the food that is consumed in the State of Michigan during the course of the winter is imported. When we talk about globalization, we are really talking to, I would suggest, the beginning of the end of a way of life, but because what I learned on this trip as it related to agriculture is that it is the small farmer in America that is losing, not the large agribusiness, not the large multinational conglomerate, if you will. But again and again we heard that the small farmer just cannot make it.

□ 1845

They cannot survive. And my memory, and maybe it is a romantic view of American history, was a small farmer in America that really produced not just food, but in many respects our national prosperity.

Mr. BONIOR. Our way of life, our culture, so many pieces of the fabric and texture of our country was established, as the gentleman correctly stated, by that type of an entity. It was not just an economic entity, it was a social entity that carried tremendous values that today we revere in this country.

Mr. DELAHUNT. As the gentleman says, it is almost as if there is a loss of a sense of community; that these people who really made America great, the small farmer, is at such an incredible disadvantage because of unfair trade. Unfair trade.

And those are the people we ought to be concerned about. Who is standing up for the small farmer here in America today? It is certainly not the multinational conglomerate.

I was pleased to hear my friend, the gentleman from Michigan (Mr. STUPAK), talk about that we are not opposed to trade. Because the reality is every single Member that participated in that trip wants to encourage trade. We are pro-trade. We are pro-fair trade. But what we want to be able to do is to write the rules of international commerce so that every single American benefits from the prosperity that is generated by global trade and by the global economy. That is what we are about. And that was really the first very small step along that road. The very first step.

But what we have discovered in real terms is that not everybody is playing by the same rules. We have to have a set of rules where there is a minimum wage; where there are child labor standards; where there is a 40-hour workweek; where there is paid vacations; where there is a weekend. It is not about exploiting other nations, it is about raising their standard of living and not suppressing our own standard of living to benefit the few.

If we can pause and reflect, we think of in the past 10 years how well the stock market has done. Broken all records. Every day there is a new record. I daresay that the stock market has probably increased, since 1980, 700 or 800 or 900 percent, and my gut tells me that I am underestimating that. But what is happening to the median income of the American people in this country? The top 20 percent have done well.

Mr. BONIOR. Extremely well.

Mr. DELAHUNT. But what about the other 80 percent? What about the middle class in America? It is really about the middle class, because if we do not have a viable middle class, the poor and the disadvantaged have nowhere to go but even further down.

So what we are talking about is a global commerce, an international trade where the American people, through its Congress and through its President, write the new rules, the new rules that will encourage trade, but where every single American and people all over the world will benefit, not just a few.

Mr. BONIOR. And the gentleman is so correct when he talks about just the few. There has been an enormous wealth created in this country, particularly over the last 15 to 20 years, and accrued to the top 20 or 25 percent, as the gentleman stated, of our population. They have had tremendous increases in their standard of living and in their worth.

And that is not an insignificant number of people. Twenty-five percent of America is what, maybe 60 million, something like that? Sixty-five million people. That is a lot of people who have generated an enormous amount of wealth. They tend to be the same people who control the organs of communication: the media, the networks, the newspapers, the periodicals, the way we communicate electronically today. They are the folks that control that, and oftentimes they do not move beyond their own circles. They do not see what we see.

The gentleman is absolutely right, the top did very well. But those below the 75 or 80 percent level, below that top 20 or 25 percent, their salaries have basically been frozen or gone down. If we go to the bottom 25 percent of working people in this country, they have had a serious, serious drop in real wages over this same period of time, to the point now where we have in this country the largest income gap between the top working people and the people at the bottom. It has grown enormously.

Why is that? Well, there are many reasons. Trade is a piece of it. I want to be careful and use the right word, but

I would say we have betrayed our ancestors and we have betrayed our heritage on the issues that both of us have talked about that took so long to build up in this country. These struggles for a decent wage, for safe working conditions, for compensation, for time off, they just did not happen. We struggled for that.

Mr. DELAHUNT. If the gentleman will continue to yield for a moment. If those that went before us had not prevailed, would there be a middle class in America today?

Mr. BONIOR. Of course not. Of course not.

Mr. DELAHUNT. Is it not absolutely critical that whatever we talk about in terms of our own responsibility, it is to ensure that those standards that were created, as the gentleman said, through struggle and toil, stay the same so that we continue to have a healthy middle class that really sets us apart as a healthy democracy?

Mr. BONIOR. That is right.

Mr. DELAHUNT. Because without a healthy middle class, democracy starts to erode.

Mr. BONIOR. That is right.

Mr. DELAHUNT. And we become a society of have and have-nots. And that is part of the problem.

Mr. STUPAK. If the gentlemen will yield on that point. In talking about the middle and upper class, and I guess we could say the lower class, those on the lower economic scale, there was an interesting article recently put out by "Inside Michigan Politics," a publication from our home State, just 2 weeks ago.

Mr. BONIOR. That the gentleman shared with me on the bus.

Mr. STUPAK. Right. Basically, they have been doing this study and they had broken down the American workers into five different categories, the top percentile, the middle, and the lower percentile; and again breaking them, the whole working population, into 5 percentiles. The highest percentile, from 1990 to 1996 nationwide, they went up 13 percent greater than any other class.

Mr. BONIOR. The top 20 percent.

Mr. STUPAK. The top 20 percent went up 13 percent. In Michigan it was 12.7, rounded off 13 percent. The middle class, the third percentile, the third level, the middle one here, during that same 6-year period, from 1990 to 1996, they lost 2 percent. So they went down 2 percent. And the bottom 20 percent, or the lowest economic class that they surveyed, actually lost about 20 percent over the same period of time.

So we can see the rich will get richer, the poor will get poorer, and the poor middle class here that we all relate to and speak of, actually lost 2 percent in our home State of Michigan.

Mr. BONIOR. And the gentleman is right. What happens, of course, is when people's salaries get bumped from, as I described earlier this woman at Lucent Industries, is making $15 an hour and she lost her job. She found another one at Target, the department store, for $7.50, half her salary. What happens with those people, of course, is that they work two jobs.

Mr. STUPAK. What is their biggest concern right now?

Mr. BONIOR. And their spouse often works two jobs.

Mr. DELAHUNT. And what does that mean?

Mr. BONIOR. That means they are not home.

Mr. DELAHUNT. That is correct.

Mr. BONIOR. And when they are not home, the whole fabric that keeps our society together, the values of the family being there when their kids come home from school, working with them on their homework, going to their ball games or their dance recitals, it is not there. And they do not participate in their community. They do not vote.

It is no wonder the percentage of people participating democratically in this country is starting to slide, because they do not know what is happening in their communities. They are busy trying to make a living and trying to stay even.

Mr. DELAHUNT. It is like running on a treadmill. That is exactly what it is like.

Mr. BONIOR. Do my colleagues remember the woman who came on the bus, and where was it, it was just outside of Gainesville, with the gentlewoman from Florida (Mrs. KAREN THURMAN), and sang us that song?

Mr. DELAHUNT. Anytown USA.

Mr. BONIOR. Anytown USA; about how these towns have just changed so dramatically. We now have CVS Pharmacies coming in, and the small pharmaceutical companies, the store owner is gone. We have the Kmarts and we have the Wal-Marts that have come in, with the huge percentage of products made abroad, by the way, and that just kind of ruins the whole downtown area in these communities.

The multinational large corporations have had an enormous impact on changing the values and the face of what America looks like today.

Mr. STUPAK. These workers we spoke to, especially ones outside this plant, and even the textile workers down in Columbus, Georgia, if we look at that photograph, and I know it is hard to see for the folks, but those workers there are not young people just out of high school. They had 25 to 30 years. This was the last plant they had of making these telephones. So they moved, some of them, five and six times trying to keep their jobs.

And the gentleman is right, they were making about $13 or $15 an hour and, now, working at Target, for like $7 an hour. But look at these workers. They were mid- to late 50s. They have 25 to 30 years in with this company. And they said we have been gone now for over a year and we are struggling to find work.

And their big concern, what was their big concern? While they were retirees and had vested benefits, they were now taking their health benefits away.

Mr. BONIOR. That is right. These folks, 25 to 30 years, moved their jobs away, now working somewhere else, but at least they had these benefits. Now they are going after their health and pension benefits.

Mr. STUPAK. Now they are going for their health and pension benefits.

Mr. DELAHUNT. It is important to remember, too, we are not just talking blue collar workers here. There were people that were concerned and frightened about their jobs as middle managers.

I can remember reading 2 or 3 years ago a series in The New York Times about corporate downsizing and restructuring. The victims of corporate restructuring and downsizing are out there, too. The individual that was making $65,000 or $75,000 or $85,000 a year, we should speak about him, too, because he has or she has not had an opportunity to secure a job, similar kind of employment, that exceeds in many cases more than 60 percent of what his or her income was.

The gentleman spoke earlier about the small business person. Does anybody in America recognize what is happening in the community? The gentleman talked about the drugstore. I have this vivid memory of every day, on my way home from school, stopping at the independent drugstore: The individual who sponsored the Little League team, who knew my name, who traded with my parents, who was an integral part of the community.

That does not happen today. That store is gone. The hardware store, that was part of the song that that folk singer sang to us. Rather than going down and getting your nails and hammer at the hardware store in our local town, where again we knew that individual and we connected with the owner, with the proprietor, he or she is also gone. Today we walk into Home Depot.

Maybe an argument can be made, and I have not heard it yet, that we are better off as a result of the efficiencies that are occurring there. But there is something missing in terms of the quality of life with these people going on.

□ 1900

Remember community banks? Is there anybody in America that has not witnessed the incredible acceleration of the demise of community banks? I know in New England we really have two banks left. If you are a middle-class person, and you need a loan real quickly, go in and knock on that friendly door.

Mr. STUPAK. Whether it is banking or whatever, and I hope the folks listening do not just think it is Georgia or Florida we are talking about but it is everywhere, whether it is Massachusetts or Michigan.

My home area, northern Michigan, I represent the northern half of the State but even my little community of Menominee, which is 10,000 people, and Marinette, Wisconsin right across the border, 12,000 people, we had 4 paper mills in the area. Recently we have been devastated by layoffs. 896 workers have been laid off since September of 1996.

Our paper industry up there in northern Michigan, each of our mills found their own little niche in the market. What happened? The big corporate multinational company from Australia, Visi, comes in. They like this nice little plant in Menominee, so they buy it. They buy it for two reasons, the niche or the product line we produce and our customer base. So they buy this plant, they buy our product line, they buy our customer base.

Then suddenly, even though that mill makes money and machine number one, paper machine number one still made money, it was not as efficient as they wanted it. So without any responsibility to the community, machine number one is gone, that is 220 workers, and all the support in that factory needs it.

Kimberly-Clark takes over, Scott paper, Scott tissue, we all know that. Kimberly-Clark came in, bought the product line, bought the customer base, basically shut the place down.

Badger was a very small little paper mill in Peshtigo, Wisconsin. Again, imports made it cheaper to buy the pulp elsewhere, and Badger is really struggling to make ends meet. As we globalize, not only is there economic and social justice you have to argue, but there is also a corporate responsibility to these communities and to these individuals. Where do these people, whether in Georgia, Florida or Michigan, who have 30 years in, go for a job?

Mr. BONIOR. There is a backlash that is going on all around not only the country, around the world today, to globalization. We know it is happening, we know it is a reality, we know it is here. It is here to stay, that our borders are broken down, we are going to be trading with each other, and that is good.

The backlash comes when it is not fair. What we are all about is trying to write the rules so that the average man and woman gets a break and it does not all go to the top. It is not much more complicated than that, although we have talked about all the difficult and intricate pieces here.

What we have got to do is start holding accountable those multinational corporations and those governments that are in cahoots with these corporations to make sure that the average working man and woman get a break, because we are all in this together. What happens to the worker in Mexico or Indonesia or in China affects the worker here. People are starting to figure that out.

I thank the gentlemen for spending the time this evening. I look forward to getting back on the bus with them and going to other parts of this country to hear stories, to understand and listen to people and coming back here and sharing their concerns with our colleagues and with the country.

With that, Mr. Speaker, I have the great pleasure and honor of yielding now to the distinguished gentleman from Waco, Texas (Mr. EDWARDS), the Chief Deputy Democratic Whip.

RELIGIOUS FREEDOM

Mr. EDWARDS. Mr. Speaker, I want to thank the distinguished minority whip for recognizing me to speak for a few minutes on an issue that is very near and dear to my heart. Mr. Speaker, I am here today to discuss an issue that I believe is of critical importance to our Nation and to every American family. The issue is religious freedom.

Specifically, I want to comment on Federal legislation that I believe will do great damage to our Bill of Rights and to the cause of religious liberty. The gentleman from Oklahoma (Mr. ISTOOK) has introduced a constitutional amendment that, if passed into law, would for the first time in our Nation's history amend our cherished Bill of Rights, that Bill of Rights which has for over 200 years protected Americans' religious, political and individual rights. On Wednesday the Committee on the Judiciary is expected to vote on this ill-conceived legislation.

The gentleman from Oklahoma (Mr. ISTOOK) has mislabeled his work the Religious Freedom Amendment. More appropriately, it should be called the Religious Freedom Destruction Amendment, because that is what it will do.

In my opinion, the Istook amendment is the worst and most dangerous piece of legislation I have seen in my 15 years in public office. It is dangerous because it threatens our core religious rights and would literally tear down the 200-year-old wall that our Founding Fathers built to protect religion from the intrusion of government. That is why I will be working with a bipartisan coalition of House Members and religious leaders from across the Nation to defeat this measure.

The Istook amendment would allow satanic prayers and animal sacrifices in the name of prayers to be performed in our public school rooms. It would step on the rights of religious minorities and allow government facilities, including county courthouses and elementary public schools, to become billboards for religious cults.

Mr. Speaker, America already has a religious freedom amendment. It is called the First Amendment to the U.S. Constitution. It is the first pillar of our Bill of Rights. It is the sacred foundation of all of our rights.

The First Amendment begins with these cherished words: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." For over two centuries that simple but profound statement has been the guardian of religious liberty, which is perhaps the greatest single contribution of the American experiment in democracy. To tamper with the First Amendment of our Bill of Rights has profound implications.

In the name of furthering religion, the Istook amendment would harm religion. In the name of protecting religious freedom, it would damage religious freedom. With no disrespect intended to my colleague, if I must choose between Madison, Jefferson and our Founding Fathers versus the gentleman from Oklahoma (Mr. ISTOOK) on the issue of protecting religious liberty, I shall stand with Madison, Jefferson and our Founding Fathers.

If history has taught us nothing else, it has taught us that the best way to ruin religion is to politicize it. Our Founding Fathers deleted the mentioning of God in our Constitution, not out of disrespect but out of total reverence for their faith in God and the importance of religion in our lives. It is that same sense of reverence that should move us in this Congress to protect the First Amendment of our Constitution, not dismantle it.

Some have suggested that the Istook amendment is necessary because they allege God has been taken out of public places. I would suggest those people must not share my belief that no human has the power to remove an all-powerful, ever-present God from any place on this earth.

The fact is there is no law in America that prohibits prayers in school. Teachers have said as long as there are math tests, there will be prayers in school. I agree. Under present law, school children may pray silently in school or even out loud, so long as they do not disturb the class work of others and try to impose their religious views upon their fellow students. Today in our schools children can say grace over school lunches and, if they wish, pray around the flagpole before and after school.

Under the Bill of Rights, government resources, though, cannot be used to force religion upon our school children against the wishes of their parents or the children themselves. What the Bill of Rights does prohibit is government-sponsored prayer, as it should.

Our Founding Fathers were wise to separate church and State in the very First Amendment of the Bill of Rights. Religious freedom flourishes in America today. Why? Precisely because of our Constitution's wall of separation

between church and State. Islamic fundamentalism seen in the Middle East today is a clear example of how religious rights are trampled upon when government gets involved in religion.

In the months ahead, I urge Americans to look beyond the sound bite rhetoric of the Istook amendment and ask themselves this question: Should prayer be an individual right or a government program?

U.S. SHOULD SUPPORT INDIAN GOVERNMENT AND GOVERNMENT OF PUNJAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, few weeks ago, several Members of this body had sent a letter to the Honorable Prakash Singh Badal, Chief Minister of the Indian State of Punjab. The letter alleges that India's security forces and the Punjab state police have been involved in a number of acts of murder, rape, and torture of the Sikh community. The letter also called for the establishment of a state human rights commission to investigate these alleged crimes.

Mr. Speaker, there is no need to resurrect these allegations or propose a new way to deal with them.

Last year, under the direction of Chief Minister Badal, the Punjab government established a human rights commission whose primary purpose is to investigate claims of human rights abuses committed by government officials, Indian security forces, and members of the Punjab state police. This commission is headed by a former Chief Justice of the Indian High Court. The former Chief Justice is accompanied by retired judges and private citizens from the State of Punjab. The commission was purposely filled with individuals who are of different and unique backgrounds to ensure that all interests are represented.

The Indian government several years ago, I should point out, also established the National Indian Human Rights Commission to investigate claims of human rights abuses. That commission has found members of the Indian security force, border patrol, and military to have used excessive force, especially in Punjab. This commission has swiftly disciplined these individuals for the crimes they had committed.

I am surprised that there was no mention in this letter that representatives of the International Commission of the Red Cross and Amnesty International have visited India. Many distinguished leaders from the U.S., including Members of this body, have traveled to India to meet with government officials, separatist leaders, and the general population.

Last year, Mr. Speaker, the predominantly Sikh Akali Dal party won the majority of seats in the legislature, and the party's leader, Prakash Singh Badal, was named Chief Minister. To show that they are committed to the peace and prosperity of Punjab, the Akali Dal party ran in coalition with the predominantly Hindu BJP party.

What concerns me, Mr. Speaker, is that these claims and accusations about the situation in Punjab really are almost 10 years old now. The developments over the last 2 years, three elections with over 60 percent voter turnout and the establishment of the state human rights commission, are in sharp contrast to the claims that are being made in this letter that was sent to the Punjab government. The people of Punjab have demonstrated their preference and commitment to peace and the democratic process.

I think it is time that Members of this body look past the problems that formerly plagued Punjab. It is time for us to focus on different issues, such as the major economic reforms initiated by the Punjab government.

Punjab is currently trying to attract numerous American companies to invest in the state's infrastructure, information technology, and agriculture projects. We should support those American companies, such as Pepsi, Heinz, and Kellogg, who have already made tremendous investments and have helped bring stability back to the state of Punjab.

Mr. Speaker, I am simply asking that we show our support and work with the Indian government, as well as the Punjab government, in keeping peace within Punjab. We should encourage American companies to take advantage of the opportunities that exist in Punjab.

Over the last 2 years, the citizens of Punjab have demonstrated their commitment to peace and democracy. I think it is time we put these problems in the past that existed in Punjab behind us. They are being addressed by the human rights commissions that are in place.

It is much more valuable for us to talk about what we can do as Americans to bring Punjab and India closer together with the United States, as I know so many of the people in this body, including our Members of the India Caucus, have strived to do.

□ 1915

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, our Congressional Budget Office today made an announcement that they now predict that we will have a $8 billion surplus this fiscal year ending October 1. It gives me a great deal of concern that we are hoodwinking the American people on what a surplus really is.

If one looks at this chart, it shows what has happened between 1960 and 2000. You notice even in spite of the Washington claims that there will be a surplus, the national debt keeps going up and up and up. That is because the way Washington defines a surplus is all money in, and all money out. The Trust Fund surpluses are spent in Social Security. In fact all our Trust Fund surpluses are spent on other items, and they are used, in effect, to pretend that we have a balanced budget, when we really do not.

So while we are professing great accomplishments, that we are having a surplus of $8 billion this year, this is how much we are borrowing from Social Security.

The Social Security Trust Fund in 1998, total revenues in, $480 billion; total expenses, $382 billion. We are borrowing from the Social Security Trust Fund, the bottom line, $98 billion. So when they say we have a surplus of $8 billion, it says maybe we are only borrowing $90 billion from the Social Security Trust Fund.

This is the historical tables that the President sent over last month with his 5-year budget. If you would turn to page 111 on these historical tables, you would see that the President's budget, every year for the next 5 years, the national debt increases between $130 billion and $175 billion. That is because we are borrowing from the Social Security Trust Fund.

So on the one hand, we say that the money borrowed from the Social Security Trust Fund is part of the national debt. In fact, it is part of the debt subject to the debt limit that is set by Congress. But creatively, on the other hand, we say, well, this is a unified budget. Therefore, we are going to call what we borrow from the Social Security Trust Fund revenues, and, therefore, the budget is balanced.

I would suggest that the true test of a balanced budget is when the national debt stops going up.

Look at this next chart. Here is the problem that we are having now in Social Security. The little blue area on the top that goes from 1997 until the year 2011 is the surplus that is coming into the Social Security Trust Fund. That blue is the positive side that means that there is more Social Security taxes coming in than is required at the moment to pay out benefits, because Social Security is a pay-as-you-go program. That temporary surplus is what we are using to currently balance the budget.

But that goes away in 2011. It goes away because the cash revenues coming in to fund Social Security benefits are going to be run out, and the benefits are going to be greater than the

dollars coming in from the Social Security taxes.

So you see what happens in the other year, and this really gets to the heart of the serious problem of Social Security. If you go way to the bottom right-hand side of the chart, you see we are going to have to borrow $400 billion or come up with $400 billion additional dollars every year to satisfy what we have now made promises to the retirees that are going to be getting Social Security benefits.

A huge problem on Social Security. I think we have to face up to it. The No. 1 thing that the American people have got to start looking at, though, is the fact that Social Security has serious problems. Part of the reason, part of the reason they are having the problems for the future is that we are borrowing the surpluses today to spend for other programs, and we are borrowing those surpluses to pretend that we have a balanced budget, in fact a potential surplus this year and next year. The surplus projected by CBO next year is $9 billion. Next year we are going to be borrowing $100 billion from the Social Security Trust Fund. The following year, in the year 2000, I think the estimate is that the surplus is going down to $1 billion.

The fact is we need to acknowledge the fact that we are borrowing from the Social Security Trust Fund to balance the budget, to so-called balance the budget.

This next chart I think is interesting, because it starts looking at what the problems of Social Security are in this country. This chart shows the numbers. It is the demographics of what is going to be happening to us over the next several years. The number of seniors, the number of retirees is increasing dramatically, a 73 percent increase; 64 million seniors in this country, a 73 percent increase between now and the year 2025, where the working population is only going to be increasing 14 percent between now and that time. So you have an increasing number of seniors and a decreasing number of taxpayers that are paying into Social Security.

Let me just rego into history a little bit on how Social Security was started. Social Security was started in 1935. It was started as a pay-as-you-go program where existing workers pay in their taxes to cover the benefits of existing retirees. So no savings, no investment.

It worked very well in those early years, because in those early years, the average life span of an individual was 61 years. So most people never even lived long enough to collect any Social Security. So a system, a Ponzi game, a pay-as-you-go chain-letter-type structure like this, worked very well if people did not collect that Social Security.

But today, let me tell you what the average life span is today. Today the average life span, at birth, for a male, is 74 years old; for a female is 76 years old. But if you live long enough to start collecting Social Security, if you live to be 65, then on the average, you are going to live another 20 years. That is part of the problem. That is why the increase in seniors is going up so dramatically, and the increase in the people working and paying their taxes is going up modestly.

After World War II we had a high birth rate, those individuals called the baby-boomers, who are going to be retiring just about starting in about 2010, 2011, 2012. So these high-income people go out of the pay-in category and start collecting from Social Security and Medicare and other benefits. So they stop paying their taxes in. That is part of the reason that we really fall off in the year 2011, not having enough tax revenues as the senior population starts increasing.

By 1942, there were 40 people working, paying in their Social Security tax, for every single one retiree. Now, this chart shows that by 1950, that got down to 17 people working, paying in their taxes, for every retiree. Today it is three people working, paying in their taxes. The estimate is by 2027, there is just going to be two people working, paying in their taxes for each retiree. That is why it is so important, so critical, that we start facing up to this problem today, that we do not bury our heads in the sand, but we start acknowledging Social Security.

I compliment the President for at least saying, look, Social Security is a problem. We need to give it a priority. Let us make Social Security first. I say, yes, let us do it. Let us move ahead.

I talked to Ned Gramlich, who is from the University of Michigan. I am from Michigan. He headed the President's Task Force on Social Security. He spent 2 years. They could not agree on any single solution. They came up with three different solutions. However, what is interesting, every solution said that individual opportunity to invest some of that money as their own money is part of the solution. So you start changing it from a fixed benefit program to partially being a fixed contribution program.

And here is why every one of the three propositions that were put before us from that group included private investment as part of the solution. It is because over the last 90 years, the average return on index stocks has been 9 percent, 9 percent return. What do you think the average return for everybody that is under 55 years old is going to be today in Social Security? The Tax Foundation estimates that anybody that retires after the year 2000 is going to have between a negative 0.5 percent return and a negative 1.5 percent return. So Social Security as an investment is a very, very bad investment.

So if part of that money could go and be invested, you are still going to have to pay it, it is still going to go into the Social Security Administration, but like a 401K or like a Thrift Savings Plan, it will be an investment that is going to be the property of the individual worker.

Would it not be great for a change, we heard earlier this evening about the dilemma of people moving up and seeing and experiencing the creation of wealth. Part of the reason is this government and other governments are taking so much away from individuals in taxes. On the average now, 40 cents out of every dollar you earn goes in taxes. If you could reduce that a little bit, if we could allow workers the opportunity to invest some of that money into investments that are going to create wealth, where they could see the magic of compound interest, where their money is doubling every so many years, and, believe me, about the eighth doubling, the quadratic really increases, and you end up with really saying, gosh, this is a good idea, saving and investing.

That is why part of the solution has to be, in Social Security, an individual having that opportunity to take part of that Social Security tax and saving it and investing it and having the opportunity to see the creation of wealth.

The next chart represents what I think is what we have been trying to say in terms of what is happening to the number of seniors that will be increasing at 79 percent, and on the age 20 to 64, they only increase 20.6 percent, and then under age 20 goes up 4.7 percent. It is another way of describing the serious demographics that is really putting a challenge before the United States Congress and the President in terms of both Social Security and Medicare.

Since we created Social Security in 1935, every time we had a little extra money, we expanded the program and expanded benefits. In 1965, for example, we amended the Social Security Act to start the Medicare program in this country. Every time we were short of money, guess what we did? We increased taxes.

This chart shows how we have increased taxes. What I would like to point out is since 1971, Social Security taxes have gone up 36 times. I am going to say that again. Since 1971, we have increased Social Security taxes, the rate or the base, 36 times. More often than once a year we are increasing the taxes on working families in this country.

It is not a good way to go. We have got to make some changes, and I think the sooner we do it, the better.

Since we have increased taxes so much, if you look at the working population in this country, today 78 percent, this chart shows that 78 percent of working families now pay more in

the FICA tax than they do in the income tax. So we are faced with a situation where taxes have been increased so often that 78 percent of all workers pay more in the FICA tax than they do in the income tax.

□ 1930

How are we are going to change it? What are we going to do? This, I think, is hopefully a heads-up, an awakening, to the young people in this country that should start demanding that this Congress and this White House do something to save Social Security for them. We are making them pay these huge amounts of taxes out of their pockets, and if we do not do something, they are never going to see any return from those taxes. That is the danger we are facing.

If we look at what happens in terms of the number of years that you are going to have to live after retirement to simply break even on what you and your employer put into Social Security, this chart shows, because it is a Ponzi game, shows that if you retire early, you can get all of your money back that you and your employer put into it in the first 2 years or 4 years; 16 years if you retired in 1995, and it goes up to 23 years that you are going to have to live after retirement if you retire in 2005. If you retire in 2015 you are going to have to live 26 years after you retire.

Another way of saying this is the statistics from the Tax Foundation that say you are going to get a negative ½ to a negative 1½ percent return on the amount of money you and your employer put in Social Security. Let us be perfectly clear whose money that is when the employer puts in half of that 12.4 percent. It is coming out of the employee's pocket.

I mean, if the employer was not willing to acknowledge that he was willing to pay this much to the employee and this much in taxes, that is what the employee is worth. So far as I am concerned, it is coming out of the pocket of the employee, that 6.2 percent that the employer pays in, for a total out of that employee's pocket now of 12.4 percent, just for Social Security. Then you add Medicare on top of that. Then you add your other income taxes and your excise taxes on top of that.

I think we need to start deciding just how much government we want in the United States, how much government are we willing to pay for, when 40 percent of the time you work, you work just to pay your taxes? Let us think of the possibility of getting all taxes down to 25 percent, at least, of what you make. Let us start looking at a more frugal Federal Government.

Of course, the Federal Government is the government that takes most of the tax money out of your pocket. This last chart that I have, that I think is optimistic in terms of what you can make if you are going to have an investment in the stock market, it is optimistic as far as the Social Security return. The Social Security Administration, on the bottom right-hand side, estimates that you can have had about a 1.7 percent return if you are lucky enough to be a white female that is going to have a longer period of years, so you are going to live over the 26 years after retirement, and you are going to make a return on the investment of approximately 1.7 percent.

However, if that same investment were put in the indexed stock market, you would be earning a return of approximately 8.5 percent. The middle blue line is the average real bond return, so even if you are investing in bonds, I am proposing in my bill, and I have introduced the only bill in the House that has been scored by the Social Security Administration that will have been scored to keep Social Security solvent.

In my proposal I am suggesting that we do not increase taxes, that we do not effect any reduction in benefits for those that are retired or those that are close to retirement, but we start taking some of that surplus money, and instead of spending it for other programs we take some of that surplus money that is now coming into Social Security and we start solving the problem by letting workers invest 2.5 percent of their taxable income. What would everybody do if they had the opportunity to invest 2.5 percent of their taxable income in safe investments? They would see the creation of wealth.

I think by taking this so-called surplus and investing it back into Social Security, by allowing workers to own some of that money so if they happened to die before they reached retirement age, it would be part of their estate; unlike Social Security, it would be what they own.

I am suggesting that with the opportunity to invest part of the money, and every year I increase the amount of money that would be allowed for personal investment, because as the trust fund expands, then what we are dealing with is more money available to increase the percentage of your Social Security tax that you can privately invest, so it takes 50 years under my proposal, but you finally get to 10.4 percent out of the 12.4 percent that you could invest as your own investment.

I am suggesting that you can retire as early as you want to to have that kind of fixed contribution returns on your investment. You can take it out at 59½ years old, or whenever you have enough money to buy an annuity, just to guarantee that you are not going to be spending it all and depend on other taxpayers to help you out later. You can retire as early as you want to.

I am suggesting that as you have personal investments, a good way to divide that personal investment between man and wife, between spouses, is to add what each spouse is allowed to invest, and you add both spouses' investment opportunity together and you divide by 2. So both the man and the wife, whether the wife is working or staying at home, would have the exact same amount that they are investing in their own personal retirement savings account.

Some people have asked me, what do you mean by "safe investments"? What I have done in my legislation is limiting it to either indexed stocks or indexed bonds or indexed global funds or indexed cap funds and other safe investments, as determined by the Secretary. It is the direction that we have to go. The quicker we move ahead on these kinds of solutions, the better off our future is going to be, not only for existing retirees, but for future retirees.

I have been asked the question in my town hall meetings, why do you not just take the $65,000 cap off what individuals are now required to pay that 12.4 percent of? When we started this program we started at 1½ percent of the—I think first $3,500. Now, over the years, we are now up to 12.4 percent of the first $65,000 that you earn.

But if you were to take the cap off, because Social Security benefits are calculated based on what you put in, if you took the cap off, the more you put in, the more your benefits would be. So I think that brings us to a decision: Do we want Social Security to turn into a welfare program that has no relationship to the contributions that go in?

I suggest that we do not want to turn Social Security into a program that says, well, if you saved and invested and did it on your own and were lucky, then you do not get anything back; but if you did not save and you did not invest and you did not take two jobs along the way, then we are going to have a Social Security program. I think there is some danger in turning Social Security into a welfare program. However, I do think that we need to slow down the increase in benefits for the higher wage-earners. That is what I do in my proposal.

I wonder, Mr. Speaker, if everybody understands how we calculate Social Security today. Let me just give sort of the rough version. You take your 35 best years of income or wages that you are making, and out of those 35 years you get an average monthly earning. Then you take the average monthly earning and you take the first roughly $450 and you say you are going to get 90 percent of that lower amount and then 15 percent of a higher amount. So what it does is add some degree of, if you will, progressivity to the way we calculate Social Security benefits.

So we go from 90 percent to 30 percent to 15 percent of your wages, and 15 percent of the high wage. That means that the high-wage person that is contributing up to the maximum is going

to get a lower percentage back in terms of benefit than the lower wage-earner.

What I do in my proposal is I slow down the increase in benefits for that high-wage earner. I increase the retirement age by an additional 2 years. But to offset that 2-year increase in retirement age, I say that an individual can retire and use their returns for their investments as early as age 59½. So within 30 years, it could very well be that what they are getting from their personal investments would be greater than what they get from their fixed benefits under the traditional Social Security.

Yet one only needs to look at several examples of what States are doing to see the advantages of investment, real investment, and the returns that that can create as far as pension benefits compared to the Social Security fixed benefit program, where, in effect, we spend all of the money immediately when it comes in in taxes.

If we were to look at, for example, some counties in Texas that had the option of not signing into Social Security but invested that money in the kind of investments in stocks and bonds and mutual funds, whatever, those people recently now are getting up to 8 times more than they would have if they had been in the traditional Social Security system.

Mr. Speaker, private investment has to be one of the considerations of how we solve Social Security. I say, and this is what I said when I spoke to the National Association of State Treasurers this afternoon, going over this problem, is let us look at all the options.

Let us say here are all of the ways that we can help stabilize and keep Social Security solvent. Let us start talking about those options, pick out the best options, and let us, by the year 1999, next year, let us come up with a Social Security bill and start moving it forward as far as solving this problem, because the longer we wait, the more drastic the changes are going to have to be.

So let us face up to it, let us talk about it, and the gentleman from Texas (Mr. CHARLIE STENHOLM) and the gentleman from Arizona (Mr. JIM KOLBE) have a bill that says let us have a joint committee of the House and the Senate. Other individuals say let us appoint a commission.

Personally, I question appointing a commission if we are going to simply have a commission that is going to spend a couple of years, like the President's Commission did, coming up with alternative solutions. I think it is Congress' responsibility, it is the President's responsibility.

Let us look at the best possible solutions with the goals of not interfering or reducing the benefits of existing retirees or those that have already planned their retirement based on the promises kept, with the goals of making sure that Social Security is going to be a good investment for working families in this country, and with the goal of making sure that Social Security is going to be available for our grandchildren.

DEVELOPMENTS DURING AND AFTER BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, there have been a lot of developments over the past 2 weeks, and I had meant to speak last week and was unable to because of the sudden adjournment that took place last Tuesday, but I think what I wanted to talk about is still pertinent.

I wanted to talk about the closeout, the ending of Black History Month. February was proclaimed as Black History Month or African-American History Month for 1998. But since that time there have been a number of developments which I think are relevant to what I had to say at that time, so I am going to try to blend in some of these additional developments that have taken place with the statement that I originally wanted to make in connection with Black History Month.

Some relevant developments include the conclusion of a peace mission to Iraq, which I think is relevant to what I have to say. Another development is the issuance of a report last week by the Milton S. Eisenhower Foundation and the Corporation for What Works. It is called "The Millennium Breach," in commemoration of the 30th anniversary of the National Advisory Commission on Civil Disorders. The National Advisory Commission on Civil Disorders was better known as the Kerner Commission Report.

The Kerner Commission Report was a report commissioned by President Lyndon Johnson to study the riots that took place in the sixties and to develop a set of recommendations for the Federal Government. I like to call it the Kerner-Lindsey Commission Report, because Mayor John Lindsey, who was at that time Mayor of New York, was also appointed as Governor Otto Kerner of Illinois' vice-chairman, sort of. I know that Mayor John Lindsey did a tremendous amount of work on that Kerner Commission report.

□ 1945

So the Kerner-Lindsey Commission report stands as a report which I think is as great in the refusal to recognize as it is in its value. It has a great value, but if we had a way to measure the volume of the abandonment or attempt to ignore it, then it would be far greater than its value.

From the very beginning, the Kerner-Lindsey Commission report was snubbed by the President himself. President Lyndon Johnson, when they gave him the report, he refused to comment on it publicly. He accepted it, nodded his head, and that was the end of it as far as he was concerned.

By that time, President Lyndon Johnson was greatly burdened by the problems of the Vietnam war and domestic issues. He had had enough in terms of their disturbing his focus on that war. Issues related to civil rights, et cetera, he had given some time and attention to, and he was upset by the fact that there was not more gratitude and that all of these riots had broken out in the summers that led up to the need to commission the Kerner Commission report. Finally, when it was given to him and the recommendations were made, he did not care to deal with it.

The basic recommendation was that we were evolving toward two societies, one black and one white; that the conditions that existed in the black communities were very different from the experience that was taking place in the white communities; and that we needed a series of programs to address the fact that we were evolving into two sides. There were two different sets of opportunity, and those two different sets of opportunities were spawning different reactions and creating a situation in the black community which led to those explosions. By that time, nobody wanted to deal in a rational way with what was happening and the Kerner Commission report was tossed aside.

So I want to congratulate the Eisenhower Foundation. It established a continuation committee at that time, and every 10 years they have updated and commented on what has happened since the Kerner Commission report, and this is the 30th year anniversary. Mr. Speaker, I think that their recommendations here are worth taking note of, especially in connection with the closing out of Black History Month.

Black History Month this past year probably saw a greater number of observances and recognitions of the basic attempt to highlight achievements of blacks and the fact that blacks exist as a major part of the American experience than ever before. Carter G. Woodson founded Black History Month many years ago, and he would have been proud of the depth and the breadth of the recognition and the activities that took place during the past month.

And every year that has been the case, more and more activities take place in relation to Black History Month. More and more corporations have advertisements which indicate their recognition of Black History Month. More and more programs are on public television, and even on commercial television they include more and

more programs on black history as time goes by.

So I am pleased with the observance of all of these micro items, these micro activities of black history taking place more and more. That is a step forward. I applaud that progress.

Black History Month was supposed to be a month in which we bear witness to the progress, the richness and the diversity of African-American achievement. Carter G. Woodson created and promoted Negro History Week. This week was selected because it included the birthdays of Frederick Douglass and Abraham Lincoln. In 1976 the week became a month.

It is time for Americans to reflect on the history and teachings of African-Americans whose contributions are still too little known, and that is basically what has been taking place. There are those kinds of items in the mass media and schools and churches, and Carter G. Woodson is to be applauded for having launched this, because it was launched at a time when there was a determined effort to ignore any positive achievements of American blacks, former slaves.

My problem with what is happening is that it does not go far enough. I am pleased with the micro items, as I am sure Mr. Woodson would be pleased. The recognition of various people, of positive achievements of various individuals and personalities, various movements, all of that I am quite pleased with.

I would like to go further and say that in future Black History Months we focus more on macro experiences and relate those macro experiences to what is happening now. In other words, I think it is important to look at macro phenomena related to black history, certain macro phenomena, and see how they have an impact on what is happening now.

What is the impact of knowing more about black history on our current argument related to affirmative action? What does a greater knowledge of black history have to do with that present situation where there are clear forces lined up on both sides, some against affirmative action, and we have a movement underway to get referendums and to reject and repeal all laws, regulations related to affirmative action? What light can knowledge of black history throw on this debate?

Then of course there are other people who say that affirmative action needs to go but they are ready to provide more "opportunity programs." An opportunity program is defined as being different from an affirmative action program because an opportunity program would create opportunities on the basis of disadvantaged status.

In other words, all low-income people, all poor people, black, white, any other ethnic group or race, would be eligible on the basis of the fact that they need the opportunity. Extra help should be given them because they are poor. Extra help should be given them because the circumstances under which they were born placed them at a great disadvantage. So there are people who are rabidly against affirmative action, who will tell us that they are all for opportunity programs.

I would like to talk about how the knowledge of some basic facts and basic phenomena related to black history and the 232 years of slavery that were experienced by our ancestors, black ancestors, how that throws a light on that argument too. Because what we find is that many of the people who say, "I am against affirmative action but I am all in favor of opportunity," when we confront them with a set of recommendations for opportunity programs they are quick to retreat. It becomes "big spending." Opportunity programs equal big spending.

In fact, we took out something called "Opportunities to Learn." We took it out of the law in 1996 in the appropriations process. In 1996 we had a thing in the education law, the Elementary and Secondary Assistance Act, which said that the Federal Government would encourage standards for opportunity to learn in our schools.

We have standards for tests, we should have standards for opportunity to learn. We had standards for curriculum. The one standard that they took out was the standards for opportunity to learn which, translated into common-sense English, it was only a statement that the Federal Government would use its influence. Nobody was mandated to provide opportunities to learn. It would use its influence to encourage States to have certain standards with respect to opportunities to learn.

Mr. Speaker, that meant in addition to setting standards for curriculum and giving tests to see if the young people lived up to those standards, we would also make certain that the young people who are taking those tests had an adequate supply of books, that they had teachers who knew their subject matter, that they had buildings which were adequate in terms of being conducive to learning and certainly safe and without health hazards. That was a frightful thing, and many governors throughout the Nation were the ones who put a great deal of pressure on both Democrats and Republicans to get rid of that language because although it was not mandatory, just to have it around, the governors found uncomfortable. The people who make decisions found it uncomfortable because it meant they would be on the spot in terms of providing resources, which means money. We have to have the money to provide the resources to guarantee that before we give a child a test to see if he has lived up to certain standards of curriculum that we have set, that we have also provided him opportunities to learn.

So they backed away from it because it looked like it would cost a lot of money. It will. We have to have decent physical facilities. The President's construction initiative would cost a great deal of money, and that is necessary to provide the opportunity. If we provide telecommunications facilities for schools and we provide computers and we wire schools for the Internet, that costs additional amounts of monies. We are providing those opportunities for the poor who would normally not have those opportunities.

We have the schools already in the suburbs, the schools of the future. They have the state-of-the-art communication, the computers, the Internet hookups. We have the best schools in the world in certain parts of the country. But in other areas we have youngsters who would benefit from certain opportunity standards, but we have backed away from it and they are getting less and less instead of more and more.

So it becomes critical to confront those who advocate opportunity versus affirmative action, to put their money where their mouth is. Live up to it. Let us have real opportunity programs.

In this report done by the Eisenhower Foundation to update us on the Kerner Commission report and where we are in relation to that report, they have a set of recommendations and some budget figures to go with those recommendations. So we are back to square one in terms of here is what is needed to provide opportunity, focusing on opportunities for minorities in big cities mostly, but the same thing is true of disadvantaged people in any part of the country, poor people.

So when we confront people who say we do not want to spend that much money to take care of the needs of the disadvantaged or the poor, it will break the government, we will go broke and big spending programs have brought us to the point of disaster in our economy, we still confront people like that despite the fact that we are enjoying an unheralded, unprecedented era of prosperity.

The index of the most favored stock index is above 8,000. I listened to the gentleman from Michigan talk about Social Security. Part of what he is saying is what a pity it is that people live so long. How awful that it is we are confronted with a dilemma because we are living longer and that places a burden on Social Security. People did not use to live so long when Social Security was first conceived. They had a much shorter life span.

Well, Mr. Speaker, when Social Security was first conceived we did not have a stock market index up at 8,000. Unprecedented wealth is being accumulated in America. Why should we worry about people living so long because

that is going to place a burden on the Social Security system. Let us make sure that the wealth is utilized to guarantee that the elderly people do not have to worry and be ashamed of living long. That is at the heart of the matter.

If we cannot agree that the wealth of the Nation should be dedicated to making life comfortable for the elderly, then we can see how difficult it is to agree that some of the wealth of the Nation should be dedicated to creating maximum opportunity for all those who need opportunity.

Why should African-Americans among the disadvantaged be treated with any special favors, is the way most people put it. Why are they poor in the first place? Why have they not made it? The people argue that expenditures for opportunity should not be made because they all had a chance to make it, all Americans have a chance to make it, and if they are poor it is because there is something wrong with them. Why did they not make it? As a community, why are the African-Americans so far behind the other people who came over here or were brought over here?

Immigrant groups that came later than the slaves have fared much better economically and they are not so dependent. The percentage of people who are poor among other ethnic groups is not as great as the percentage of groups of people who are poor among African-Americans, we hear. There is something wrong with African-Americans.

Well, let us take a look at a piece of history, a phenomenon of history, not a single achievement or micro achievement of one group or one individual. Let us look at the phenomenon of 232 years of slavery.

□ 2000

I have talked about this before. I think it cannot be emphasized too much. For 232 years slavery denied the opportunity to accumulate wealth to our ancestors. African American ancestors, blacks, slaves who, by the way, were not immigrants, they were hostages. They were kidnapped and brought here and forced to provide free labor.

By the way, also, labor for those 232 years had a greater value than labor has now. It was a labor-intensive world, a labor-intensive economy. You did not have machines to do the hard work. It took labor.

So the human capital supplied by the slaves was supplied free because they were forced to give it, and they got nothing back for it for 232 years. That is more than six generations. No wealth was accumulated. But in the world, all over the world, wealth is accumulated by inheritance. It is passed down from one generation to another. If a generation, if a group of people are not able to pass down any wealth, then they have a deficit. African Americans came out of slavery in 1865 with a deficit of 232 years of not being able to pass on anything, not even a pair of pants, because they owned nothing. They were owned themselves, and whatever they had was under the jurisdiction of their masters.

No capital is the primary problem in, and the lack of capital is the primary problem of impoverished African American communities. The struggle of the newly freed slaves to own homes and land received no assistance. The newly freed slaves were told at one point by General Armstrong of the Union Army, who had his own ideas about reforming and about justice, he briefly had an experiment with every slave was to get 40 acres and a mule. That is where that phrase comes from. They gave a few slaves 40 acres and a mule. And Congress stepped in and told General Armstrong to cut it out. He had to stop that before it really had any impact whatsoever. So the 40 acres and a mule promise was not realized.

Slaves, even after the 13th amendment set them free, and the 14th amendment gave them equal rights, and the 15th amendment gave the right to vote, they could not participate in the land grant program, the program which provided free land to Americans and they could stake out land and from the government begin a homestead and start a new life. Ownership came from God, I guess, from God through the American Government to white people, but slaves were not allowed. There were no reparations, no 40 acres and a mule. And when the land was given out, whether it was the land rush or whatever form they utilized to give away land, blacks were not allowed to participate.

As a group the deficit created for 232 years has still not been overcome. You cannot overcome 232 years of passing down absolutely nothing, no wealth from one generation to another.

And if you want to go check your own family, find out exactly where did your wealth come from, your assets. Some people are not wealthy, but you do have some assets. You own a home. Often couples who own a home were given part of the down payment by their parents. How were your parents able to give you part of the down payment? Because they had accumulated some assets before. Where did they get their assets from? They probably had some help from their parents also. Of course, when you have big multiples of this and people take the small amounts that they inherit, they invest it, they use their ingenuity, and they use capital in ways that increases their wealth, you have large numbers of people become very wealthy and rich. But if you have no capital to begin with, it is almost a miracle.

There are some blacks who got rich. Madam C.J. Walker was one of the first millionaires in the black community. She did not start out with anything. She had a lot of ingenuity, and she knew how to take advantage of the fact that all black women wanted to be beautiful. Cosmetics and the various things connected with hair and beauty enhancements was her business. But and there are many others who took almost nothing and made something out of it.

But in general, miracles are not made. Ordinary people in any group cannot make miracles. They come through a process of slow accumulation of wealth, handed down from one generation to another, opportunities if you own a home, you can get, you have collateral so you can get a loan for a business. If you have a business and the business is going, you can get another loan or you can make some investments. We know how capital is accumulated and handled in this society. If you start 232 years behind, then you have a major deficit.

It is important for every black teenager to understand that. Some of the hate that we experience is due to the fact that they have no knowledge of history. They do not really understand why their parents were poorer than others, why their grandparents did not pass anything down. They do not understand it, so they absorb some of the trash that is thrown at them about being inferior, different from other immigrants, and they begin to hate themselves, and they begin to act out in ways which are very counterproductive and antisocial because they have no sense of the fact that there is a disadvantage there all right, but it has nothing to do with them as individuals. Just the opposite is true.

They should understand that the very fact that their ancestors were able to endure the Atlantic crossing, where slaves were not brought in immigrant ships, as bad as some of the ships might be. The movie Titanic showed you how the poor people were in the hold of the ship, and when the ship wrecked, they were at a great disadvantage. The kind of accommodations that they had were palaces compared with the way slaves came over. Slaves came over lying flat, to make the maximum amount of room. They had to lay flat for the whole trip, and also to control them, they had to lie flat, piled one on top of the other in the holds of the ships. And the very fact that our ancestors endured the crossing was a great achievement.

The fact that they endured 232 years of slavery from one group to another, they survived with some humanity intact, that is a great achievement. I tell people, I am a descendant of an aristocracy of survivors, and every black person ought to understand, you are a descendant of an aristocracy of survivors. A great achievement just to stay alive.

But in the process of just staying alive, we could not accumulate wealth.

The system would not allow us to do that. You have to have something. Property owners and consumers make the economy percolate. The turnover of wealth at the local level sets off a chain reaction that accumulates significant amounts of capital. Local slave communities, what did they have to turn over? How could they have a little general store, somebody being able to patronize it and accumulate wealth by running a general store? Whatever they had, you know, accumulated very meager profits because you were in a community. It was segregated. For years after slaves were set free, the dual economy produced very little wealth, the segregated economy.

That is one of the basic phenomenon of black history that needs to be reviewed more often by blacks and by whites. Understand that there is a 232-year economic deficit that slave labor was demanded, commanded for 232 years for nothing. They got nothing in return. There were no reparations.

We talk about reparations. People get very angry. Why should blacks demand reparations? Reparations obviously has some validity because they do require reparations in certain activities. Our civilization now understands that justice sometimes requires reparations, but when blacks talk about reparations, immediately you get hostility. People turn off or they turn away or they turn towards you violently.

So that is one phenomenon, the economic price that was paid, the disadvantage. Those who argue against opportunity programs, opportunity programs that might focus money on education programs for disadvantaged African American youth in inner cities where the poverty is piled up and still continues, those who argue against that should take a look at the fact that there is a reason why the need is there, and part of that reason relates to America as a Nation, America as a Nation tolerated slavery. America as a Nation provided the legal structure to maintain slavery for much too long.

There are heroes, of course, who tried to get rid of it early, and finally Thomas Jefferson got a prohibition on the importation of slavery long before Lincoln was able to issue the Emancipation Proclamation. The Congress was able to pass the 13th amendment. It was a heroic struggle, and I think I want to note that some African American youth who are very angry about it accuse white people of being responsible for it and find it difficult to relate to white people because they think they are the victims of a long-term plot and all whites are equally guilty. We cannot make alliances, we cannot integrate, we cannot become part of some caring majority activity because, after all, those people cannot be trusted. Those people did that to us, and anybody that has ancestors who participated in a thing as heinous as slavery cannot be trusted.

My answer to that kind of reasoning, by young people or anybody else, old or young, is that the white people set us free. The white people were part of the process. We are indebted to our ancestors, blacks, for surviving and for enduring. We would not be here if they had not endured all of things that were done to them. But white people had the power, and only they had the power, to finally work the situation out so that we were set free.

The abolitionists who were often ridiculed and not given the proper role in history, people who were motivated mostly by religion and a belief that God would not accept a condition where just because one's skin was white you had a reason to reign over another group that was black, they refused to accept that, and they not only refused to accept it, they took action and they agitated to get rid of slavery. They were mostly white. Some of the first statements against slavery in writing were made by the Quakers insisting that they would not tolerate slavery within their midst. They were white. Finally, in the woods and on the field and wherever the bloody Civil War took place, it was mostly white soldiers who fought on behalf of the ending of slavery. They fought on both sides, but there were white soldiers who gave their lives and hundreds and thousands for the cause of the Union and under the banner of Abraham Lincoln. We would not be free if that had not been the case.

So there is no need to get caught up in ethnicity and simple-minded solidarity to the point where you cannot relate to the other race because they were a part of that terrible crime of slavery, that criminal institution. That closes the door and does not recognize the fact that African Americans have two sets of ancestors. We have African ancestors, and we have American ancestors. Thomas Jefferson is my ancestor; George Washington is my ancestor.

I do not think it was wise, I am not proud of the fact, that a school in Louisiana decided to change the name of the school from George Washington to some other name. I think it was Charles Drew who deserved to have schools named after him, but to have children reject their ancestor, their past, because George Washington owned slaves. Yes, he did own slaves, but if he had not had a mindset different from his own ancestors, he came out of a monarchy, they came from a monarchy, they came from a society which looked at all men as being inferior classwise. You had a certain elite class, the royalty that looked down on everybody and reserved the right to command everybody and to more or less enslave everybody. If George Washington had continued that tradition, if he had not had whatever it was that he had when he denied the crown, if he had accepted a crown when it was offered to him, we would have had a monarchy. And probably that monarchy would still be nurturing slavery because you would have had a long struggle just to set the ordinary common white men, Indians, everybody else who came over here, to set them free before you got to the slaves.

At least you had a group of men, nobody quite knows how the miracle of 1776 took place, how you had a group of men who were so rational and at least committed enough to doing the right thing and moving beyond just themselves to the point where they started a process by which the Constitution was able to be put in place and then enlarged, include everybody, everybody was white, and then finally set up a situation where slavery was obviously in contradiction to the principles that they had established.

□ 2015

If the principles had not been established, if there had been no George Washington and Thomas Jefferson, for whatever their shortcomings may be with respect to slavery, we would not have had a basis for later on moving to the steps Abraham Lincoln took when he said the Union must be preserved and the Union can only be preserved if we come to grips with this terrible problem of slavery.

So the phenomenon of denial of wealth for 232 years is one phenomenon that needs to be looked at more. President Clinton's commission on race, I have said before, needs to set some records straight, do some thorough study. There should be an academic component of his Commission on Race Relations.

Of course, his Commission on Race Relations goes beyond just relations between blacks and whites, as it should be. He has a great deal of vision. I applaud the President's vision in terms of understanding that at a time like this, when we do not have riots in the street, we do not have a crisis that is obvious between races, there is no race relations critical situation that has to be addressed on a national level, that that is a time when we should discuss race relations.

We should quietly deal with the fact that under the surface there is a problem. We do have two societies growing apart, according to experts who have made studies, and we need to address that. So I applaud the fact that he has taken this step. He has it on a broad base, so relations with Asians or relations with immigrants in general, a whole lot of things, go beyond the African-American history. But that component ought to be there, and a thorough study of slavery and African-American history would throw a great deal of light on current discussions with respect to public policy. The basic public

policy discussion surrounding opportunity would be very much assisted if we knew more about what the denial of opportunity has caused.

The second factor that ought to be looked at in African-American history, the factor which has a great deal of bearing on public policy decision-making now, especially the question of opportunity, should we provide extraordinary resources to guarantee opportunity to the poor, to the disadvantaged, as a way to create a more just society?

If we are not willing to deal with it on the basis of skin color, then just look at the fact that large numbers, the majority of people of African-American descent in this country, are poor. They are disadvantaged in terms of economics. We must look at it for another reason, in addition to the denial of the opportunity to accumulate wealth for 232 years. Let us look at the fact that for 232 years, the institution of slavery pursued the objective of obliteration. Obliteration.

We had experienced a Holocaust. We experienced an obliteration. The Holocaust tried and succeeded in many cases in destroying the body. The ovens of Hitler destroyed massive numbers of bodies. Six million Jews were destroyed physically. And it may be there is nothing worse in the world than to be destroyed physically, because without life there is no hope. The slaves were not destroyed physically, because the slaves were considered to be resources and assets. They wanted to keep the body alive but destroy the soul. So there was, for 232 years, an active effort, an aggressive effort to destroy the soul of the slaves of America who provided free labor.

They started in the middle passage, when they brought them across the Atlantic Ocean. They always mixed the slaves according to tribe. They made certain that slaves of the same tribe were not grouped together on the boats. They mixed them up deliberately because they did not want them to communicate. They wanted to confuse them and prevent any efforts at solidarity. They wanted to stifle any efforts to maintain continuity.

Slaves came from civilizations. African slaves were people who were taken out of a civilization that had rules and regulations and customs, religions, societies. They had tribal ceremonies. But an immediate attempt was made to get rid of all that, not let them practice them, by mixing up people from different places and guaranteeing that they had no common set of beliefs.

They prohibited any religious or other customs or ceremonies or rituals. Slaves could not practice their own religion. And even later on, when the blunder was made by many slaveholders of allowing slaves to convert to Christianity, they limited the amount of time they could have worship service by themselves, even after they had adopted the religion of the master.

They refused to recognize family units. And this is devastating. If we want to know the origin of some of the tremendous sociological problems we have within the African-American community, we should stop and think about the fact that there was an attempt made in the course of the 232 years, not an attempt but a successful venture was launched to guarantee that there were very few family units.

Slaves were sold, children away from parents, and the unit of marriage was not recognized. Slaves had their own unit of marriage, called "jumping over the broom." They considered a man belonged to a woman or a woman belonged to a man because they believed to "jump over the broom" in their own ceremony indicated marriage. Well, they may jump over the broom one night and consider themselves married, and the next night the husband is sold away from the wife or the wife sold away from the husband. So no family unit was recognized.

Children were put in what we might call group settings. We cannot call them orphanages because they were often fed like animals. We know from recent studies of children from Romanian orphanages what can be done to a child if we deny then nurturing within the first few months of their life, certainly within the first year. If we feed them the way we would hogs, if we put their meals in a trough and place them in a room, a holding, a compound with one nanny and 50 children, and nobody gets any individual attention, we can change the brain of a child.

That is what the studies found of the Romanian children who were adopted, and American parents had difficulties with them. Various studies conducted showed that the children had been treated in a way where they had been kept alive physically, but they had no emotional nurturing and they had been treated in a way where their brains had changed. And instead of being receptive and responsive to warmth and cuddling, they rebelled against it and they were hostile toward people who tried to be warm and responsive to them.

This is a very real phenomenon. The whole argument about heredity versus environment is almost settled. We can change the brain of a child who might have come with one set of genes, but if we treat them a certain way, their actual physical structure changes and we have a different individual as a result of the environment we put them into.

Well, slaves were put into a hostile environment. The children were treated in ways in which many of them certainly suffered and experienced that. They even promoted breeding, as if they had a factory. Breeding farms. Breeding farms were like factories of production to guarantee more slaves.

They denied human nurturing and did any other thing they could do to wipe out any sense of a soul of a human being. That was the other phenomenon that we have to take a look at.

Wealth accumulation, out of the question. But in addition to not allowing them to accumulate wealth, there was an active process that, if they wanted to make their slaves efficient, then they had to make them more like animals. If they wanted an efficient working animal, they had to deny them any opportunity to grieve, any opportunity to establish contacts among themselves, because they did not want a brooding slave after their son or their daughter had been sold. They did not want a rebellious slave because they had treated him in some human way for a while and then suddenly found it necessary to treat him like an animal.

So it was in the system. Slavery is often called a peculiar institution. That is the polite way to talk about it. It was a criminal institution designed to dehumanize and to obliterate the humanity of the people who were in it.

When we are considering the massive social disorganization that currently afflicts African-American communities, we have to consider the result of this combination of 232 years of economic denial and the torture of obliteration. The combination of the torture of obliteration and the denial of an opportunity to accumulate wealth has created a condition which still cries out for some special treatment.

Oh, why does it take so long to get over these problems, one might ask. That question is often raised. Well, if we had some kind of continuum where there is some assistance, some opportunity, then we get positive results. During World War II, when everybody had a job, there were massive opportunities available for everybody, white and black, and blacks had an opportunity to earn an income steadily, over a long period of time. We had tremendous leaps forward in terms of the social organization of black communities and families.

In that brief period, there was an accumulation of wealth, enough for large numbers to buy homes. And it began the dispersal of blacks who had moved out of the South into the industrial North, into different communities within cities and also into the suburbs. If we just applied a set of favorable conditions economically to the black community over a reasonable period of time, probably we could get rid of all of the social problems that seem intractable.

Economics is at the heart of it. There are a number of books that have been written, and they keep repeating over and over again that the jobs that all left the cities and the places where blacks were accumulated, to fill up the vacuum of the jobs that left the drugs

came in, and the crime that the drugs bred, of course, exacerbated the problem.

I am saying all this because I wanted to stop Black History Month or African American History Month from being trivialized, from being celebrated with an overkill of microachievements, without getting to the heart of what we need to do and look at and study in order to have a better approach to public policy.

What are we going to do about the President's proposals for school construction? Are we going to have on this floor all those arguments about we do not want big government, we do not want big spending, while out there in the inner cities they have hundred year-old schools? In New York City they have numerous school buildings that are 70 to 80 and 100 years old.

In New York City we have almost 300 schools, 300 schools, which are still using furnaces that burn coal. Recently there was a series of articles in the Daily News on asthma, the horror of asthma in the city. We have one of the highest accumulations of asthma in New York City than anywhere else in the country.

It really shocked me that the Daily News could write a series of articles in three stages, three different days, and discussing asthma and the high rate of asthma and how it accumulates in certain communities, and discussing asthma and how attacks often take place in schools and teachers do not know what to do. They never bothered to mention that there are 300 coal-burning furnaces in the city and they are contributing greatly to the asthma problem.

It just is mind-boggling to believe that a set of reporters, journalists who are trained, could develop an article. I cannot believe that it is by accident. I cannot believe they overlooked the fact that there are 300 coal-burning schools and they spew coal dust into the air. Even the best coal-burning furnace with the best filters are going to have coal dust in the place where they are located. And coal dust accumulates slowly in the lungs of young children, who are very susceptible to the impact and the effect of coal dust. But that was not mentioned in any one of the Daily News articles.

I have asked a few questions. I was told someone on the Daily News staff has gone to work for the Mayor and they did not want to do anything to upset the city government. I do not know.

□ 2030

I hope that this is not a corrupt oversight. I hope it is an incompetent oversight. Either way, it is hard to imagine writing an article about the accumulation of asthma cases, the rate of asthma cases in the city, and not bothering to see that the 300 coal-burning schools have something to do with it.

In the making of public policy and responding to the President's initiative, school construction, smaller class sizes, you cannot have smaller class sizes in most inner-city communities like Chicago, New York, Philadelphia, unless you build more schools or you greatly expand those that exist or renovate them. So you have got to build schools. The construction initiative of the President is directly related to any initiative you take on smaller class sizes.

You cannot have an increase in the amount of computers and wiring for the Internet in the inner-city schools unless you repair or build new schools, because those old schools are not wired properly to receive the wiring or you cannot even bore holes because of asbestos in walls. They still have a serious problem of asbestos.

In New York City I have been involved in a project to wire 11 schools as a pilot project. First we had to have a certification by an asbestos firm that asbestos, if it existed in the schools, was a problem with the holes that we bored, it was not too great. They had to certify that it really was not a health hazard. It is very expensive to get the asbestos firms that do the certification. Just to get off the ground and be able to get permission to bore holes to bring volunteers in to wire the schools, we had to spend money on asbestos certification. In many schools, of course, it is so great until you cannot get off first base and start the process unless they make considerable repairs and removal of asbestos.

Now there is a move on to test the pipes of the schools, because large numbers of old schools of course have lead pipes. They only had lead pipes in public buildings at the time these schools were built, so those lead pipes are deteriorating, of course, and lead in the water becomes a problem, a very serious problem, for children. We are just getting around to really making a survey of the old schools and testing to make certain that the levels of lead are not dangerous.

So the President's initiative on construction and his initiative to improve education, if you have children, even if they have the advantage of smaller class size, if they ingest enough lead, their brains are affected. One of the things lead does to your brain is certainly greatly decrease your capacity, your intellectual capacity. That has been clearly established in studies.

The President has some other initiatives beyond the wiring of the schools for computers and the ratio of classes. Child care at an early age, more Head Start. All of those same initiatives, by the way, appear, and I do not think they are parroting or plagiarizing the President. I think this report has been under way for some time. They come to the same conclusions, that you need to maximize opportunity in ways that are very concrete and very practical.

Let us take a look at what some of this Eisenhower Foundation, which is itself an update and review of the Kerner Commission report, the Kerner-Lindsey Commission report, let us take a look at some of the recommendations they are making. First you might be interested in a few items from the executive summary. For those people who are so much older than I am or younger than I am and do not remember the Kerner-Lindsey Commission report which talked about two societies, let us just review in their executive summary some of the things they say.

My point here is that public policy should be guided by a knowledge of history. I went all the way back to 232 years of slavery. That history is very pertinent as we make public policy decisions, the fact that slaves were denied an opportunity to accumulate wealth, the fact that slaves were treated like animals and an attempt was made to obliterate their souls. The soul is the intellect and the heart. A whole lot of things go into a soul. Laws were made, by the way, to punish anybody who taught slaves to read.

Let us come forward to 30 years ago when riots broke out in Detroit, in Newark, Los Angeles and Philadelphia. New York under Lindsey's administration managed to avoid any major riots until finally in the spring of 1968 when Martin Luther King was assassinated, you could not hold back the anger and we did have riots break out in New York City following the assassination of Dr. Martin Luther King. The Kerner Commission came out with the following report that angered Lyndon Johnson a great deal:

"Our Nation is moving toward two societies, one black, one white, separate and unequal.

"What has happened in the 30 years since and where do we stand now? The Kerner Commission proposed remedies to racial, spatial and economic disparity. The civil rights movement of the 1960s and early 1970s brought about improvements that helped expand an African-American middle class. It is important to recognize the achievements made possible by the civil rights movement and by individual struggles of millions of African-Americans. The African-American middle class has expanded, as has African-American entrepreneurship. The proportion of African-Americans with white collar jobs has risen. There has been an enormous rise in the number of African-American mayors, other elected officials and police chiefs. The high school graduation rate among African-Americans is rising.

"Yet in the 1970s, when technological change in the economy increased demand for high skilled and educated workers, jobs for the less skilled and educated became obsolete. The unemployed stayed behind, but more mobile middle-class African-Americans left

core inner-city neighborhoods. Especially during the 1980s, labor market policies to provide training and jobs for the less skilled never materialized. In the words of Professor William Julius Wilson and his colleagues at the Kennedy School of Government at Harvard University, 'The exodus of working- and middle-class blacks from core inner-city neighborhoods enhanced the concentration effects of joblessness and poverty and removed important economic and social buffers that had softened the impact of macroeconomic changes in these vulnerable communities. During the decades of the 1970s and 1980s, conditions in inner-city ghettos went from bad to worse.'"

I am quoting from the executive summary of the report that was issued by the Eisenhower Commission, a 30-year update and review of the Kerner Commission report. That last statement which was made by a Ph.D. college professor might have been a little difficult to understand. In essence what he was saying, middle-class blacks, those who had the education and a little economic advantage, they moved away from the big cities. So you were left with a core of people in the inner city who were poor only. The least educated and the poorest were left to fend for themselves. The leadership class was taken away. The activities, in many cases economic activities, entrepreneurship activities that the leadership class of blacks provided in the inner city also was taken away. In more plain, ordinary terms, that is what Dr. William Julius Wilson was saying.

To continue from the executive summary of this report:

"Today, while pundits and leaders talk of full employment, for the first time in the 20th century most adults in many inner-city neighborhoods are not working in a typical week."

Let me repeat that. Most adults in inner-city neighborhoods are unemployed. They are not working. It is not that they are not looking for jobs, because whenever you have a job opportunity, you have lines of hundreds of people who are looking to get those jobs. I think one of the most publicized incidents was the case in Chicago when they opened a new hotel and 4,000 people lined up for those jobs in long lines in the winter all around the block and throughout that area, lined up to get a few hundred jobs.

"Former Labor Secretary Ray Marshall estimates the real unemployment rate at about 15 percent, far higher than the official rate."

Certainly within my 11th Congressional District in Brooklyn, the 15 percent figure has been the rate for a long time.

"The Center for Community Change in Washington, D.C. estimates the jobs gap to be over 4,400,000 persons needing work. A high proportion are in the inner city. The consequences of high neighborhood joblessness are more devastating than those of high neighborhood poverty. When people are poor but employed they can better prevent family breakup, crime, drugs and other problems than when people are poor and jobless."

I come from a poor family, but my father always was employed. Sometimes he was laid off for short periods, sometimes he had no work for short periods, but basically my father could find work. He never earned more than the minimum wage, by the way. No matter what conditions were, even during the war, he never earned more than the minimum wage. But a family with a father who was employed, there was a great deal of stability in the fact that he was employed, no matter how menial the work was or how low the pay.

"Since the Kerner Commission there have been other important trends."

I want you to take note of the things that are said here. You hear them all the time.

"From 1977 to 1988, the incomes of the richest 1 percent in America increased by 120 percent and the incomes of the poorest fifth in America decreased by 10 percent during the time of supply-side tax breaks for the rich and against the poor."

Now, you might say, well, that happened to all people. But the 10 percent decrease took place among the poorest people and in the African-American communities where you have the poorest people.

"In the words of conservative analyst Kevin Phillips, this meant that the rich got richer and the poor got poorer. The working class also got poorer. The middle class stayed about the same in absolute terms, so it, too, lost ground."

This is middle class white and black, but in the black community with a great concentration of poverty. And it is not stretching the truth to say 60 percent of African-Americans can be classified as the poor, economically poor.

"During the 1980s, child poverty increased by over 20 percent."

During the 1980s, following the Great Society of Lyndon Johnson and the progress made in the 1960s and the 1970s.

"During the 1980s, child poverty increased by over 20 percent, with racial minorities suffering disproportionately."

"Today, the top 1 percent of Americans has more wealth than the bottom 90 percent."

"Since the Kerner Commission, the U.S. has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately.

America's neighborhoods and schools are resegregating. Two-thirds of African-American students and three-fourths of Hispanic students now attend predominantly minority schools, one-third of each group in intensely segregated schools.

"In urban public schools in poor neighborhoods, more than two-thirds of children fail to reach even the basic level of national tests."

Recently we had a report about American students scoring lower than European students and Asian students on tests. Well, they did not even have a large number of African-American students take those tests. They do not begin to reach the level where they can even go and compete.

In our inner city schools, in the junior high schools in New York, they found in a study that none of the teachers teaching math and science in junior high school in the areas where the blacks and Hispanics live majored in math and science. They teach math and science, but they did not major in it.

So here you have reaffirmed and repeated again in this report, and I am reading from a report entitled "The Millennium Breach, Rich or Poor, Poorer and Racially Apart". This is in commemoration of the 30th anniversary of a National Advisory Commission on Civil Disorders, the Kerner-Lindsey Report.

They do offer a bit of recent history, which, when you couple it with history which goes back before the Emancipation Proclamation, should throw some light on the decisions we have to make with respect to opportunity, the provision of opportunity.

We say we want to provide opportunity, get rid of affirmative action and provide opportunity. I do not want to get rid of affirmative action, but let us forget it for a while. I challenge all of those who want to provide opportunity to put their money and their resources where their mouth is and provide real opportunity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTKNECHT of Minnesota (at the request of Mr. ARMEY of Texas) for today on account of illness.

Mr. SHIMKUS of Illinois (at the request of Mr. ARMEY of Texas) for today and the balance of the week on account of a death in the family.

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. TRAFICANT) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes today.

Mr. PALLONE, for 5 minutes today.

Mrs. MINK of Hawaii, for 5 minutes today.

Mr. FILNER, for 5 minutes today.
Mr. ENGEL, for 5 minutes today.
Mr. EDWARDS, for 5 minutes today.
Ms. BROWN of Florida, for 5 minutes today.
(The following Members (at the request of Mr. KIM) to revise and extend their remarks and include extraneous material:)
Mr. JONES, for 5 minutes today.
Mr. MILLER of Florida, for 5 minutes March 5.
Mr. RIGGS, for 5 minutes today and 5 minutes March 4 and 5.
Mr. METCALF, for 5 minutes today.
Mr. KINGSTON, for 5 minutes today and 5 minutes March 4.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. THUNE, for 5 minutes today.
(The following Member (at his own request) to revise and extend their remarks and include extraneous material:)
Mr. LARGENT, for 5 minutes today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. SHAYS, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)
Mrs. MINK of Hawaii.
Ms. WOOLSEY.
Mr. KUCINICH.
Mr. SERRANO.
Mr. SCHUMER.
Mrs. MCCARTHY of New York.
Mr. WAXMAN.
Mr. UNDERWOOD.
(The following Members (at the request of Mr. KIM) and to include extraneous matter:)
Mr. OXLEY.
Mr. RADANOVICH.
Mr. QUINN.
Mr. BEREUTER.
Mr. DIAZ-BALART.
Mr. PAXON.
Mr. SOLOMON.
Mr. RAMSTAD.
Mr. ROHRABACHER.
(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)
Mr. SKEEN.
Mr. GINGRICH.
Mr. HAMILTON.
Mr. LAZIO of New York.
Mr. KING in two instances.
Mr. FROST.
Mr. PAXON.
Mr. UNDERWOOD.
Mr. WAXMAN.
Mr. ROHRABACHER.
Mr. PORTMAN.
Mr. GUTKNECHT.
Mr. LINDER.
Mr. SMITH of Michigan.
Mr. KIND.
Ms. ROS-LEHTINEN.
Mr. WEYGAND.
Mr. ACKERMAN.
Mr. BERRY.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. PACKARD.
Mr. NEAL.
Mrs. MCCARTHY of New York.
Ms. DUNN.
Ms. BROWN of Florida.
Mr. FRANKS of New Jersey.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 1998, at 10 a.m.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 27, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1383, I am issuing the enclosed Supplementary Notice of Proposed Rulemaking—Extension of Comment Period.

I am extending the comment period provided in a Supplementary Notice of Proposed Rulemaking that was published pursuant to section 303 of the CAA in the CONGRESSIONAL RECORD on January 28, 1998, and I would appreciate it if you would have this enclosed extension published in the CONGRESSIONAL RECORD.

Sincerely yours,
RICKY SILBERMAN,
Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress and their employees, 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997), and on January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking requesting further comment on issues raised in comments submitted by the Library of Congress, 144 CONG. REC. S86 (daily ed. Jan. 28, 1998).

At the request of a commenter, the comment period stated in the Supplementary Notice of Proposed Rulemaking has been extended for two weeks, until March 13, 1998.

Dates: Comments are due no later than March 13, 1998.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

Signed at Washington, D.C., on this 27th day of February, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7669. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

7670. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Republic of Korea (Transmittal No. 07–98); to the Committee on International Relations.

7671. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–254, "Dave Clarke School of Law Designation Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7672. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–261, "Drug House Abatement Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7673. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–260, "Department of Corrections Criminal Background Investigation Authorization Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7674. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–259, "Check Identification Fraud Prevention Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7675. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 12-256, "Omnibus Regulatory Reform Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7676. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-257, "Collateral Reform Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7677. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-263, "Illegal Dumping Enforcement Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7678. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-262, "Life Insurance Special Contingency Reserve Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7679. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-264, "Advisory Neighborhood Commissions Quorum Definition Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7680. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-265, "Defined Contribution Transition Vesting Clarification Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7681. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-267, "Uniform Interstate Family Support Temporary Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7682. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-266, "New Washington Convention Center Neighborhood Stability Act 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7683. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7684. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the FY 1999 Annual Performance Plan for the Overseas Private Investment Corporation (OPIC), pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

7685. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking (extension of comment period) for publication in the Congressional RECORD, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly to the Committees on Education and the Workforce and House Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 217. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively (Rept. 105-407 Pt. 2).

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 992. A bill to end the Tucker Act shuffle; with amendments (Rept. 105-424). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2369. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; with an amendment (Rept. 105-425). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 376. Resolution providing for consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico (Rept. 105-426). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 3303. A bill to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLINS:

H.R. 3304. A bill to amend the Internal Revenue Code of 1986 to establish a 2-year recovery period for depreciation of computers and peripheral equipment used in manufacturing; to the Committee on Ways and Means.

By Mr. COOK:

H.R. 3305. A bill to require the Secretary of the Treasury to report quarterly to the Congress on the programs led by the International Monetary Fund to financially stabilize East Asian countries; to the Committee on Banking and Financial Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 3306. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell grant from $3,000 to $5,000; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. WELDON of Pennsylvania, and Mr. PAUL):

H.R. 3307. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to education individual retirement accounts, to increase the amount which may be contributed to such accounts, to permit such accounts to be used to pay elementary and secondary education expenses and training expenses of older individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3308. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers with certain persons requiring custodial care in their households; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. WELDON of Pennsylvania, and Mr. PAUL):

H.R. 3309. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINTOSH (for himself, Mr. KUCINICH, Mr. FROST, Ms. WOOLSEY, Mr. GORDON, Mr. HAMILTON, Mr. HASTERT, Mr. SCARBOROUGH, Mr. SUNUNU, Mr. SESSIONS, Mr. SHAYS, Mr. MCHUGH, Mr. DAVIS of Virginia, Mr. MILLER of Florida, Mr. LIVINGSTON, Mr. DELAY, Mr. ARMEY, Mr. BOEHNER, Mr. THORNBERRY, Mr. BARR of Georgia, Ms. DUNN of Washington, and Mr. SNOWBARGER):

H.R. 3310. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, 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. PAYNE (for himself, Mr. OWENS, Mr. FATTAH, Mr. MARTINEZ, Mr. UNDERWOOD, Mr. FORD, Ms. SANCHEZ, Mr. LEWIS of Georgia, and Mr. KUCINICH):

H.R. 3311. A bill to amend the Higher Education Act of 1965 to improve international education at postsecondary institutions; to the Committee on Education and the Workforce.

By Mr. QUINN (for himself, Mr. LATHAM, Mr. LAFALCE, Mr. RAHALL, Mr. WALSH, and Mr. MCHUGH):

H.R. 3312. A bill to establish the Federal Aviation Research and Evaluation Board; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, 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. ROHRABACHER:

H.R. 3313. A bill to amend the Federal Election Campaign Act of 1971 to provide for partial removal of limitations on contributions to candidates whose opponents exceed personal contribution limitations in an election; to the Committee on House Oversight.

By Mr. SHAW (for himself, Mr. CAMP, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, and Mr. WATKINS):

H.R. 3314. A bill to provide grants to States to encourage fathers to become better parents; to the Committee on Ways and Means.

By Mr. SNOWBARGER:

H.R. 3315. A bill to amend the Federal Election Campaign Act of 1971 to remove the limitations on amounts that may be contributed to a Federal election campaign, to require political parties to disclose transfers of certain non-Federal funds, to promote the expedited availability of reports submitted to the

Federal Election Commission, to prohibit individuals not qualified to register to vote in elections for Federal office from making campaign contributions, and for other purposes; to the Committee on House Oversight.

By Mr. WISE:

H.R. 3316. A bill to suspend temporarily the duty on IN-W4280; to the Committee on Ways and Means.

By Mr. HILLIARD:

H. Con. Res. 231. Concurrent resolution recognizing the National Black Law Students Association for its role in the professional development of law students, and for other purposes; to the Committee on the Judiciary.

By Mr. MALONEY of Connecticut (for himself, Mr. MANTON, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. GILMAN, Mr. ENGEL, Mr. MENENDEZ, Mr. ACKERMAN, Mr. BONIOR, Mr. CONYERS, Mr. DOYLE, Mr. FOLEY, Mr. GEJDENSON, Mr. HOLDEN, Mr. JEFFERSON, Ms. KAPTUR, Mrs. KELLY, Mr. LANTOS, Mr. LIPINSKI, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MEEHAN, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. TOWNS, and Mrs. KENNELLY of Connecticut):

H. Con. Res. 232. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 150th anniversary of the emigration of over 1,000,000 people from Ireland to the United States to escape the Irish Potato Famine, and to honor the contributions these immigrants and their descendants made to the United States; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. NETHERCUTT.

H.R. 59: Mr. ARMEY, Mr. CANADY of Florida, and Mr. BARR of Georgia.

H.R. 158: Mr. SHADEGG and Mr. KIM.

H.R. 169: Mr. BARCIA of Michigan.

H.R. 464: Mr. COOK and Mr. SKAGGS.

H.R. 465: Mr. LAMPSON.

H.R. 758: Mr. THORNBERRY.

H.R. 859: Mr. BLUNT.

H.R. 880: Mr. BARTLETT of Maryland, Mr. MICA, and Mr. EVERETT.

H.R. 939: Mr. COYNE, Ms. DUNN of Washington, Mr. KLECZKA, Mr. NEAL of Massachusetts, Mr. BARRETT of Wisconsin, of Mr. SHAYS.

H.R. 979: Mr. EVANS, Mr. BROWN of Ohio, Mr. HERGER, Mr. RAMSTAD, Mr. CAMPBELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 981: Mr. SCHIFF, Mr. HEFNER, Mr. LAMPSON, and Ms. KILPATRICK.

H.R. 1009: Mr. REDMOND.

H.R. 1121: Mr. WELDON of Florida.

H.R. 1151: Mr. KNOLLENBERG, Mr. TRAFICANT, Mr. PETRI, Mr. CRAMER, Ms. MCCARTHY of Missouri, Mr. WELDON of Florida, Mr. HALL of Ohio, and Mr. FORBES.

H.R. 1231: Mr. MASCARA, Mr. SPRATT, Mr. FORBES, Mr. CALVERT, Mr. COOK, Mr. CLAY, Mr. UNDERWOOD, Mr. HASTINGS of Florida, and Mrs. KELLY.

H.R. 1241: Mr. DOOLEY of California, Mr. CALVERT, and Ms. HARMAN.

H.R. 1378: Mr. BATEMAN.

H.R. 1415: Mr. COYNE.

H.R. 1515: Mr. INGLIS of South Carolina.

H.R. 1605: Mr. MILLER of California.

H.R. 1635: Mr. KENNEDY of Massachusetts, Mr. SOUDER, Mr. WALSH, Mr. BROWN of California, Mr. MANZULLO, and Mr. PITTS.

H.R. 1715: Mr. TALENT.

H.R. 1737: Mr. CAMP and Mr. PASCRELL.

H.R. 1766: Mr. GOODLATTE, Mr. HEFNER, Mr. FAZIO of California, Mrs. TAUSCHER, Mr. GALLEGLY, Mr. DEAL of Georgia, Mr. MANZULLO, Mr. WYNN, and Mr. ROTHMAN.

H.R. 1823: Mr. MARTINEZ.

H.R. 1872: Mr. PASTOR.

H.R. 1891: Mr. SAM JOHNSON and Mr. SPRATT.

H.R. 1968: Mr. FORD and Ms. STABENOW.

H.R. 1972: Mr. BARCIA of Michigan.

H.R. 2052: Ms. ROYBAL-ALLARD.

H.R. 2088: Mr. PICKERING and Mr. WALSH.

H.R. 2094: Mr. DEFAZIO.

H.R. 2173: Mr. BARCIA of Michigan.

H.R. 2185: Mr. QUINN.

H.R. 2228: Mr. RAHALL and Ms. LOFGREN.

H.R. 2273: Ms. PELOSI, Mrs. JOHNSON of Connecticut, Mr. JACKSON, Mr. TAUZIN, Mr. MARKEY, Mr. VENTO, Mr. SKELTON, Mr. SKEEN, Mr. FORBES, Mr. HALL of Texas, Mr. LAMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Ms. NORTON, Mr. STOKES, Mr. WISE, Mr. SANFORD, Mr. CRAMER, Ms. DEGETTE, Mr. JOHN, Mr. MILLER of California, Mr. YATES, Mr. HOYER, Mr. TIERNEY, Mr. ADAM SMITH of Washington, Ms. STABENOW, Mr. MCDERMOTT, Mr. BISHOP, Mr. DICKS, Mr. KENNEDY of Massachusetts, Ms. HARMAN, and Mr. ROTHMAN.

H.R. 2284: Mr. SOLOMON and Mr. ROHRABACHER.

H.R. 2290: Mr. KUCINICH.

H.R. 2305: Mr. REGULA.

H.R. 2374: Mr. MALONEY of Connecticut and Mr. DEFAZIO.

H.R. 2377: Mr. BUNNING of Kentucky and Mr. CALVERT.

H.R. 2408: Mr. OLVER.

H.R. 2456: Mr. PALLONE, Mr. PEASE, and Mrs. MALONEY of New York.

H.R. 2457: Mr. BILBRAY and Mr. STUPAK.

H.R. 2488: Mr. CALVERT.

H.R. 2495: Mr. MATSUI.

H.R. 2515: Mr. STUPAK and Mr. THUNE.

H.R. 2524: Ms. WOOLSEY.

H.R. 2547: Mr. DEFAZIO, Mr. MCGOVERN, and Mr. DEUTSCH.

H.R. 2627: Mr. SUNUNU.

H.R. 2639: Mr. BOEHLERT and Mr. BACHUS.

H.R. 2667: Mr. PAPPAS.

H.R. 2695: Mr. WEXLER and Mr. WAXMAN.

H.R. 2714: Mr. PAXON, Mr. COYNE, and Mr. OLVER.

H.R. 2736: Mr. HASTINGS of Florida.

H.R. 2748: Mr. HINCHEY.

H.R. 2775: Mr. PETERSON of Pennsylvania and Mr. ENGLISH of Pennsylvania.

H.R. 2819: Mr. FAZIO of California, Ms. RIVERS, Mr. BERMAN, and Mr. DREIER.

H.R. 2821: Mr. MOLLOHAN, Mr. SANDLIN, Mr. SOLOMON, Mr. EVANS, Mr. HULSHOF, Mr. HEFLEY, Mr. BARCIA of Michigan, and Mr. EHLERS.

H.R. 2829: Mr. ANDREWS, Ms. BROWN of Florida, Mr. COOKSEY, Mr. JOHN, Mr. KIND of Wisconsin, Mr. MALONEY of Connecticut, Mr. MCGOVERN, Mr. METCALF, Mr. PICKERING, Mr. SANDERS, and Mr. SHAYS.

H.R. 2864: Mr. HAYWORTH.

H.R. 2869: Mr. HAYWORTH.

H.R. 2870: Ms. WOOLSEY and Mr. GUTIERREZ.

H.R. 2871: Mr. HAYWORTH.

H.R. 2873: Mr. HAYWORTH.

H.R. 2875: Mr. HAYWORTH.

H.R. 2877: Mr. HAYWORTH.

H.R. 2879: Mr. HAYWORTH.

H.R. 2881: Mr. HAYWORTH.

H.R. 2912: Mr. PASCRELL.

H.R. 2914: Mr. EDWARDS, Mr. KENNEDY of Massachusetts, and Mr. BARCIA of Michigan.

H.R. 2923: Mr. SAXTON, Mrs. MORELLA, and Mr. QUINN.

H.R. 2955: Mr. OBERSTAR and Mr. DAVIS of Florida.

H.R. 2992: Mr. BOEHNER, Mr. GIBBONS, and Mr. DOOLITTLE.

H.R. 3008: Mr. GEJDENSON, Mrs. MYRICK, Mr. WEXLER, Mr. RAHALL, Mr. SISISKY, Mr. CLEMENT, and Mr. MARTINEZ.

H.R. 3048: Mr. KLUG, Mr. COYNE, Mr. NEAL of Massachusetts, and Mr. MALONEY of Connecticut.

H.R. 3049: Mr. MENENDEZ.

H.R. 3050: Mr. STUPAK, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. EHLERS, Mr. PORTER, Mr. OLVER, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. GREEN, Mr. SAWYER, Mr. WEXLER, Mr. DAVIS of Virginia, and Mr. BROWN of Ohio.

H.R. 3090: Mr. TRAFICANT.

H.R. 3094: Mr. PEASE.

H.R. 3126: Ms. BROWN of Florida.

H.R. 3127: Mr. FOLEY, Ms. HOOLEY of Oregon, Ms. WOOLSEY, Mr. LATHAM, Mr. CRAMER, Mr. CLYBURN, Mr. FILNER, Mr. WAMP, Mr. HEFLEY, Mr. NEY, Mr. TURNER, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. ETHERIDGE, Mr. BOUCHER, Mr. BENTSEN, Mr. HAYWORTH, and Mrs. MINK of Hawaii.

H.R. 3131: Ms. WOOLSEY and Mr. ENGLISH of Pennsylvania.

H.R. 3134: Ms. BROWN of Florida, Mr. RAHALL, and Mr. WISE.

H.R. 3143. Ms. WOOLSEY, Mr. MCGOVERN, and Mr. CALVERT.

H.R. 3149: Mr. DOOLITTLE and Mr. PAPPAS.

H.R. 3151: Mr. DOOLITTLE and Mr. PAPPAS.

H.R. 3152: Mr. BACHUS and Mrs. MYRICK.

H.R. 3154: Mr. DAVIS of Florida and Mr. WEXLER.

H.R. 3158: Mr. HUNTER, Mr. SMITH of New Jersey, Mr. CALVERT, Mr. SOLOMON, and Mr. BURTON of Indiana.

H.R. 3175: Mr. DOOLITTLE.

H.R. 3176: Mr. BACHUS.

H.R. 3181: Mr. WAXMAN.

H.R. 3208: Mr. CONYERS and Mrs. CHENOWETH.

H.R. 3216: Mr. CONYERS, Mr. FILNER, Mr. FROST, and Mr. EVANS.

H.R. 3217: Mr. HERGER.

H.R. 3218: Mr. COBURN.

H.R. 3234: Mr. CALVERT, Mr. HASTINGS of Washington, Mr. BURR of North Carolina, Mr. CANNON, and Mr. SHIMKUS.

H.R. 3246: Mr. CUNNINGHAM and Mr. KNOLLENBERG.

H.R. 3248: Mr. TIAHRT, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. GIBBONS, and Mr. DOOLITTLE.

H.R. 3249: Ms. NORTON and Mr. SMITH of Texas.

H.R. 3262: Ms. WATERS, Mr. STOKES, Mr. FRANK of Massachusetts, and Mr. CUMMINGS.

H.R. 3265: Mr. HAYWORTH, Mr. SHAYS, Mrs. CUBIN, Mr. WICKER, Mr. HOSTETTLER, Mr. BASS, Mr. EHRLICH, and Mr. BALDACCI.

H.R. 3269: Mr. NEAL of Massachusetts, Mr. HILLIARD, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. BOUCHER.

H.R. 3287: Ms. DELAURO.

H.R. 3290: Mr. LAZIO of New York and Mr. ENGLISH of Pennsylvania.

H.R. 3291: Mr. DAVIS of Virginia and Mr. SNOWBARGER.

H.R. 3297: Mr. POMBO, Mr. LEWIS of California, and Mr. HAYWORTH.

H. Con. Res. 141: Mr. CALVERT.

H. Con. Res. 188: Mr. FRANKS of New Jersey, Ms. KAPTUR, Mr. PAYNE, Mr. BLAGOJEVICH, and Mr. CALVERT.

H. Con. Res. 203: Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mr. DOYLE, Mrs. THURMAN, and Mr. KANJORSKI.

H. Con. Res. 210: Mr. DAVIS of Florida.

H. Con. Res. 211: Mr. BOSWELL, Mr. REDMOND, Mr. MCCOLLUM, Mr. SESSIONS, Mr. SNOWBARGER, and Mr. PORTER.

H. Res. 16: Ms. SANCHEZ.

H. Res. 212: Mr. BACHUS, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BRYANT, Mr. CLYBURN, Mr. ENSIGN, Mr. FROST, Mrs. KELLY, Ms. KILPATRICK, Ms. HARMAN, Ms. LOFGREN, Mr. MCDERMOTT, Mr. NETHERCUTT, Ms. ROS-LEHTINEN, Mr. RUSH, and Mr. TAYLOR of North Carolina.

H. Res. 304: Mr. YOUNG of Alaska.

H. Res. 361: Mr. ROHRABACHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2495: Mr. WATT of North Carolina.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

On February 25, 1998, the following Member added his name to the following discharge petition:

Petition 1 by Mr. YATES on H. Res. 141: GEORGE E. BROWN, JR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 856

OFFERED BY: Mr. SERRANO

AMENDMENT NO. 2: In section 5(a), add at the end the following paragraph:

(3) UNITED STATES CITIZENS BORN IN PUERTO RICO ELIGIBLE TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

H.R. 856

OFFERED BY: Mr. SOLOMON

AMENDMENT NO. 3: At the end of section 2, add the following paragraph:

(16) In 1996, the United States House of Representatives overwhelmingly declared that "the official language of the Federal Government is English". According to the 1990 United States Census, less than 24 percent of the citizens of Puerto Rico speak English fluently. The enhancement of English as the official language of Puerto Rico is consistent not only with this statement of policy, but also with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines. Proficiency in the English language is necessary for all citizens to enjoy the full rights and benefits of their citizenship as guaranteed by the Constitution and to contribute most effectively to the Nation in all aspects. Conducting the business of Federal and State governments in English is the best way to promote efficiency and fairness to every citizen. Only proficiency in English can provide all Americans the enjoyment of the rights and benefits of full participation in the American economy and union.

Strike subsection (b) of section 3 and insert the following new subsection:

(b) OFFICIAL LANGUAGE.—The official language of the Federal Government is English. The legislature of Puerto Rico has established a bilingual policy by making both Spanish and English official languages of Puerto Rico, but has continued to operate its government solely in Spanish, as the majority of the people in Puerto Rico are not proficient in English. In the event that the referenda held under this Act results in approval of a request to Congress that Puerto Rico be admitted to the Union as a State and the Congress approves such statehood, English will be the sole official language of all Federal Government activities in Puerto Rico and, unless otherwise provided by generally applicable Federal law, all communications with the Federal Government by the Government or people of Puerto Rico will be in English. This Act, the procedures authorized by this Act, and the possible accession of Puerto Rico to statehood do not create or alter any rights of a person to government services in languages other than English.

In section 4(a), strike paragraph (7) of subparagraph C of the referendum language and insert the following new paragraph:

"(7) English is the official language of all business and communication of the Federal Government of the United States and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise. Puerto Rico, as a State, promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools.".

Strike subparagraph (C) of section 4(b)(1) and insert the following new subparagraph:

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to statehood, the President shall include in the transition plan provided for in this Act that the Federal and State governments implement programs and incentives to promote the acquisition and usage of English by the citizens of Puerto Rico, including but not limited to, teaching in English in public schools, the availability of fellowships and scholarships to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English, and the provision of educational instruction in English to persons not in schools.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 4: Strike section 2 and redesignate the succeeding sections accordingly.

In section 1(b), in the table of contents, strike the item relating to section 2 and redesignate the succeeding items accordingly.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 5: In section 2, in paragraph (2), strike "Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris,".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 6: In section 2(3), strike "including" and insert "and".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 7: In the first sentence of section 2(4), insert "to be approved by the people of Puerto Rico," after "constitution".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 8: In the last sentence of section 2(4)—

(1) strike "remains an unincorporated territory and"; and

(2) insert before the period the following: ", instead the Commonwealth has a unique relationship based on a bilateral compact".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 9: In the second sentence of section 2(5), strike "the territory" and insert "Puerto Rico".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 10: In the first sentence of section 2(7)—

(1) insert "per curiam" and "The";

(2) strike "651) confirmed" and insert "651) expressed"; and

(3) strike "Constitution; and" and insert "Constitution on matters of Federal programs; nevertheless".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 11: In the last sentence of section 2(7), strike "status which is" and all that follows through the period and insert the following: "status. However, the United States Supreme Court has never directly addressed the nature of the political status of Puerto Rico.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 12: In section 2(10), strike the second sentence.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 13: In section 2(14), strike "United States citizens live in the islands of Puerto Rico, which" and insert "Puerto Ricans who are United States citizens".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 14: In section 2(15), strike "status" and all that follows through the period and insert "status essentially consistent with United Nations Resolution 1541(XV).".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 15: In section 3(a), strike "the people of the territory" and insert "Puerto Ricans.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 16: In section 3, redesignate subsection (b) as subsection (c) and insert after subsection (a) the following:

(b) NONRESIDENT PUERTO RICANS.—(1) A substantial number of the Puerto Rican people reside outside of Puerto Rico, mostly in the several States.

(2) During any year, a large number of Puerto Ricans live in one of the several States for part of the year and in Puerto Rico for part of the year.

(3) Since the referenda held under this Act may lead to a final disposition of the political status of Puerto Rico, it is of the utmost importance that Puerto Ricans who are United States citizens residing outside of Puerto Rico be permitted to vote in such referenda.

(4) Congress recognizes the right of Puerto Ricans residing outside of Puerto Rico to vote in any referenda held under this Act and requests that the Electoral Commission of Puerto Rico to devise methods and procedures for such Puerto Ricans (including those who were born in Puerto Rico or who have at least one parent who was born in

Puerto Rico) to register for and vote in absentia in any referenda held under this Act.

(5) Congress authorizes and encourages all State governments and Federal agencies to cooperate with and assist the Electoral Commission of Puerto Rico in achieving the goals described in paragraphs (3) and (4).

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 17: In section 4(a), amend paragraph (7) of the referendum language for statehood to read as follows:

"(7) Spanish is an official language of Puerto Rico and its only vernacular language and as such is the official language of business and communication—

"(A) in the State government, courts, schools, and agencies; and

"(B) in Federal courts and agencies when such courts and agencies are acting in or with regard to Puerto Rico.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 18: In the second sentence of section 3(b)—

(1) strike "rather than English is currently the predominant language" and insert "is the vernacular language";

(2) strike "the majority of"; and

(3) strike "Puerto Rico; and that Congress" and all that follows through the period and insert "Puerto Rico.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 19: At the end of the bill, add the following new section:

SEC. 8. LANGUAGE USED IN FEDERAL COURT IN PUERTO RICO.

English and Spanish shall be the official languages of business and communication in the Federal courts in Puerto Rico.

In section 1(b), in the table of contents, add the following item at the end:

Sec. 8. Language used in Federal court in Puerto Rico.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 20: At the end of the bill, add the following new section:

SEC. 8. LANGUAGE USED IN FEDERAL COURT IN PUERTO RICO.

English and Spanish shall be the official languages of business and communication in the Federal courts in Puerto Rico in any proceeding in which a party speaks fluent Spanish and does not speak fluent English.

In section 1(b), in the table of contents, add the following item at the end.

Sec. 8. Language used in Federal court in Puerto Rico.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 21: In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Notwithstanding the Amateur Sports Act of 1978, Puerto Rico retains its separate Olympic Committee and ability to compete under its own flag and national anthem in international athletic competitions, even against the United States.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 22: In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Puerto Rico may continue to have its own representative in international beauty pageants in competition with a representative of the United States.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 23: In section 4(a)(1)(A), strike "10 years" and insert "180 days".

Strike section 4(b)(1)(C).

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 24: In section 4(a), after paragraph (6) of the referendum language for statehood, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

"(7) Section 30A of the Internal Revenue Code of 1986 will continue in effect for 20 years after Puerto Rico becomes a State or until the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

(8) The internal revenue laws of the United States will not apply to residents of the State of Puerto Rico until such time as the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 25: In section 7(c), add at the end the following:

No agency or instrumentality of the Government of the Commonwealth of Puerto Rico, except the Commonwealth Elections Commission, may directly or indirectly use funds made available by this Act. Amounts made available by this Act and by the Puerto Rico legislature for purposes of this Act which are used in media shall be distributed equitably among all major newspapers, radio stations, and television stations in Puerto Rico.".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 26: In section 4, redesignate subsection (a) as subsection (b) and insert before subsection (b), as so designated, the following new subsection (and redesignate the succeeding subsections accordingly):

(a) APPROVAL OF ACT.—Notwithstanding any other provision of this Act, prior to holding any referenda under this Act, this Act must be approved by a majority of the qualified voters of Puerto Rico through an islandwide referendum to be held in accordance with the laws of Puerto Rico.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 27: At the end of section 2, add the following new paragraph:

(16) According to the 1990 decennial census of population, Puerto Rico's population, 3,522,037, is greater than the population of 26 of the several States.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 28: At the end of section 2, add the following new paragraph:

(16) In the 50 States of the Union, there are currently approximately 3,300,000 Puerto Ricans who maintain a very close relationship with their relatives in Puerto Rico and who consider themselves to be part of the Puerto Rican nation.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 29: At the end of section 2, add the following new paragraph:

(16) On November 18, 1997, the Supreme Court of Puerto Rico decided in Ramirez de Ferrer v. Mari Bras, CT-96-14, that there exists a Puerto Rican citizenship which is "separate and distinct" from the United States citizenship and that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico even if they are not United States citizens.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 30: At the end of the bill, add the following new section:

SEC. 8. NONINCORPORATION.

Nothing in this Act shall be interpreted to make Puerto Rico an incorporated territory of the United States.

Amend the table of contents by adding at the end the following new item:

Sec. 8. Nonincorporation.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 31: In section 4(a) strike "A. COMMONWEALTH" and all that follows through "(b) TRANSITION STAGE" and insert the following:

"(A) COMMONWEALTH.—If you agree, mark here _____.

"(B) INDEPENDENCE.—If you agree, mark here _____.

"(C) STATEHOOD.—If you agree, mark here _____.

(b) TRANSITION STAGE

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 32: Strike the last sentence of section 2(7), and insert the following:

The courts have also recognized the existence of a unique political relationship created by the peoples of Puerto Rico and the United States. The United States Supreme Court has never addressed directly the nature of the political status of Puerto Rico.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 33: In the last sentence of section 2(5), strike "the territory" and insert "Puerto Rico".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 34: Strike the last sentence in section 2(4).

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 35: In the first sentence of section 2(4), strike "instituting" and all that follows through the period and insert "Puerto Rico to adopt its own constitution."

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 36: At the end of section 2, add the following paragraph: (16) By providing for the people of Puerto Rico to express their preference as to its permanent political status, Congress is aware that Puerto Rico is sociologically and culturally a Caribbean and Latin-American nation, formed by a blend of European, African, and native ethnics with distinctive culture which, unlike the several States, has Spanish as a common language. According to the 1990 decennial census of population, only 21,000 persons born in the several States live in Puerto Rico.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 37: In section 4(a)—

(1) strike "'B. SEPARATE SOVEREIGNTY'" AND INSERT "'B. INDEPENDENCE AND ASSOCIATED REPUBLIC'";

(2) in the matter before paragraph (1) of the referendum language for independence and associated republic (as amended by paragraph (1)), strike "separate sovereignty in the form of independence or free association" and insert "independence or associated republic"; and

(3) in paragraph (7) of the referendum language for independence and associated republic (as amended by paragraph (1)), strike "a free association" and insert "an associated republic".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 38: In the heading of section 5, strike ", **INCLUDING INCONCLUSIVE REFERENDUM**".

Strike section 5(c).

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 39: Strike section 7 (and amend the table of contents accordingly).

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 40: Strike all after 1(a) and insert the following:

(b) SUBMISSION OF PETITION.—The 3 main political parties in Puerto Rico may submit a unanimous petition to Congress requesting that Congress provide for a referendum to be held by the people of Puerto Rico to choose among options fully described in such petition.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 41: At the end of the bill insert the following (and amend the table of contents accordingly):

SEC. 8. SUNSET PROVISION.

This Act shall cease to have effect 10 years after the date of enactment.

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 42: In section 2(14), strike "at the southeastern-most boundary of our Nation,".

H.R. 856

OFFERED BY: Mr. GUTIERREZ

AMENDMENT NO. 43: In the second sentence of section 3(b), strike "; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico".

H.R. 856

AMENDMENT OFFERED BY: MR. ROMERO-BARCELÓ

(To the Amendment Offered by: Mr. Serrano)

AMENDMENT NO. 44: Page 1, after line 9, add the following:

The provisions of this paragraph shall be subject to the non-resident voting qualifications, eligibility requirements, and procedures established by the Commonwealth Legislature pursuant to the electoral laws of Puerto Rico, and votes cast in any referendum held under this Act by persons eligible to vote pursuant to this paragraph shall be counted independently from other votes cast and shall not be considered in determining which status option has received a majority of votes in such referendum.

H.R. 856

OFFERED BY: Mr. SCHUMER

AMENDMENT NO. 45: In section 4(a), strike paragraph (4) of the referendum language for separate sovereignty, and insert the following:

"(4) the Constitution and laws of the United States no longer apply in Puerto Rico, and United States sovereignty in Puerto Rico is ended; thereupon, birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship, but persons who had such United States nationality or citizenship, no matter how attained, have the right to retain United States nationality and citizenship, and to the same extent as all other United States citizens, to become dual nationals of the United States and any other sovereign nation, including the Republic of Puerto Rico; and relationship to persons with United States citizenship, no matter how attained, will continue to be a basis for United States citizenship to the same extent, and subject to the same requirements, including requirements as to residency in the United States, that such relationships form the basis for the citizenship of other persons, including persons born to United States citizen parents in other sovereign nations;

In section 4(a), strike paragraph (2) of the referendum language for Commonwealth, and insert the following:

"(2) Puerto Rico is an unincorporated territory of the United States, and the Constitution of the United States as determined by the courts, and the laws of the United States as determined by Congress and interpreted by the courts, protect the fundamental rights of the people of Puerto Rico, including (but not limited to) the rights to due process and to equal protection of the laws, freedom of speech and of the press, the right to travel, and the right to be free from unreasonable searches: *Provided*, That the Constitution of Puerto Rico, including its Bill of Rights, provides additional protections with respect to non-Federal matters;

In section 4(a), strike paragraph (3) of the referendum language for Commonwealth, and insert the following:

"(3) persons born in Puerto Rico have statutory United States nationality and citizenship as prescribed by Congress; and additionally, relationship to persons with legal United States citizenship, no matter how attained, will continue to be a basis for United States citizenship to the same extent, and subject to the same requirements, including requirements as to residency in the United States, that such relationships form the basis for the citizenship of other persons, including persons born to United States citizen parents in other sovereign nations;

In section 4(a), strike paragraph (7) of the referendum language for Commonwealth, and insert the following:

"(7) the extension, continuation, modification, and termination of Federal law and policy applicable to Puerto Rico and its residents is unchanged by this referendum and is within the discretion of Congress; and it is the policy of the Congress to take all necessary steps to ensure that the provisions of the Bill of Rights to the United States Constitution fully protect the people of Puerto Rico; and

In section 4(a), in paragraph (4) of the referendum language for statehood, strike the semicolon at the end and insert the following: ": *Provided*, That the Constitution of Puerto Rico, including its Bill of Rights, provides additional protections with respect to non-Federal matters;".

H.R. 856

OFFERED BY: Mr. SCHUMER

AMENDMENT NO. 46: In section 5(a), add at the end the following paragraph:

(3) PUERTO RICAN RESIDENCY NOT REQUIRED.—NOTWITHSTANDING PARAGRAPHS (1) AND (2), AN INDIVIDUAL RESIDING OUTSIDE OF PUERTO RICO SHALL BE ELIGIBLE TO VOTE IN THE REFERENDA HELD UNDER THIS ACT IF THAT INDIVIDUAL—

(A)(I) is a resident of the United States, including any territory, possession, or military installation of the United States, at the time that the referenda is held; and

(II) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico; and

(B)(I) was born in Puerto Rico; or

(II) has at least one parent who was born in Puerto Rico.

H.R. 856

SUBSTITUTE

OFFERED BY: Mr. SCHUMER

(Substitute to the Amendment Offered by Mr. Serrano)

AMENDMENT NO. 47: In section 5(a), add at the end the following paragraph:

(3) PUERTO RICAN RESIDENCY NOT REQUIRED.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A)(I) is a resident of the United States, including any territory, possession, or military installation of the United States, at the time that the referenda is held; and

(II) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico; and

(B)(I) was born in Puerto Rico; or

(II) has at least one parent who was born in Puerto Rico.

H.R. 856

OFFERED BY: Mr. STEARNS

AMENDMENT NO. 48: In paragraph (2) of section 5(c), strike "there is authorized to be further referenda" and all that follows through the period and insert the following:

not later than 90 days after such referenda, there shall be a second referendum held in accordance with this Act which shall be on the approval of 1 of the 2 options which received the most votes in the first referendum. Such 2 options shall be presented on the ballot using the same language and in the same manner as they were presented in the first referendum.

EXTENSIONS OF REMARKS

CONGRESSIONAL AGENDA: GOALS FOR A GENERATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. GINGRICH. Mr. Speaker, I wanted to bring to my colleagues' attention the following article from the February 24, 1998, Tipp City Herald written by Congressman JOHN BOEHNER regarding the Republican Agenda.

[From the Tipp City Herald, Feb. 24, 1998]

CONGRESSIONAL AGENDA: GOALS FOR A GENERATION

(By John Boehner)

If you're like most Americans, you won't have time to scrutinize every detail of every bit of legislation tackled this year by Congress. Nonetheless, you'll probably identify with the principles behind our efforts: freedom, accountability, and personal responsibility.

My colleagues and I have begun the second half of the 105th Congress with a diverse 90-day agenda reflecting a wide range of issues from completing IRS reform and shrinking the size of government to expanding educational opportunities for our kids. While we tackle these measures in the weeks and months ahead, we'll also be working toward our long-term vision for America—something we call Goals for a Generation.

Our goals for a generation include a drug-free America; the best system of learning in the works; the best and safest retirement system in the world; and modernizing, privatizing, downsizing, and prioritizing government to reduce the total tax burden on families—state, federal, and local—to no more than 25 percent, with a simple, fair, and honest tax code. We'll address each of these goals legislatively this year—and in the years ahead—as we work for a better America in the next century.

In the coming weeks we'll explore the various components of the 90-day agenda and the Goals for a Generation and how they'll affect you and your family, but first it's important to discuss the three principles behind it all: freedom, accountability, and personal responsibility.

Freedom, accountability, and personal responsibility aren't just buzzwords; they're key principles that cut to the core of who we are as a people and what we value as a society. They're basic concepts that have defined America as a nation since its birth. And as diverse as our agenda in Congress this year is, they're at the heart of everything we'll do.

My colleagues and I are committed to enhancing freedom for Americans to live their lives, raise their families, and run their businesses without excessive government interference. We believe it's America's people—not America's government—that has made our nation great. And the bigger and more expensive Washington gets, the smaller and more overtaxed—and less free—people get.

We'll also continue our drive to restore accountability to Washington. Decades of runaway spending and an explosion of regulation and red tape have created an unaccountable monster inside the Beltway—the vast federal bureaucracy. The result has been a government increasingly out of touch with the needs and goals of its citizens—one that while well-intentioned often hurts people more than it helps.

By balancing the budget for the first time in a generation, we've taken our first real steps toward smaller, less intrusive government, but we've got a long way to go.

Lastly, our goals reflect a fundamental belief that Americans will gladly accept personal responsibility to make the right choices in their lives, families and communities. While we're committed to expanding freedom for individuals, we also believe—as American's Founding Fathers did—that with freedom comes a certain responsibility.

Government can't raise a family, teach a child values, or create bonds between neighbors. Only people can do that—and they have a responsibility to do so.

It makes little sense to make laws and draft legislation without stopping to reflect on the core principles behind it. My colleagues and I took the opportunity to do that recently, and we're confident we're moving in the right direction.

We hope you and your family will agree.

COMPETITION IS A GOOD THING

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise to comment on the current situation regarding competition in the long distance telephone service field. Two years after Congress has passed sweeping telecommunications reform, we are still waiting for real long distance competition to begin.

The Federal Communications Commission (FCC) seems to be creating more and more hoops for the regional phone companies to have to jump through, whether it be court proceedings or "moving target" standards, in order for them to provide long distance service.

If we are ever going to see true competition in the long distance field, the regulators at the FCC need to be sensitive to the realities of enabling local carriers to offer long distance service. Consumers deserve the opportunity to choose from a variety of long distance service options.

TRIBUTE TO THE AFRICAN-AMERICAN HISTORICAL AND CULTURAL MUSEUM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today in honor of Black History Month to pay tribute to the San Joaquin Valley African-American Historical and Cultural Museum. The African-American museum has been instrumental in exposing the history and contributions of African-Americans to the development of the San Jaoquin Valley.

In 1983, an exhibit was set up as part of Fresno's One Hundred Year Centennial Celebration to show contributions African-American settlers had made toward the growth, prosperity, and cultural richness of Fresno County. By 1988, the exhibit had gained a great deal of popularity and needed to grow. Shortly following the exhibit's popularity, a donation by the State Center Community College District provided the space needed to move the exhibit into its first permanent exhibit hall where it remained until 1989. The museum has moved twice since then and now proudly rests in downtown Fresno.

The African-American Historical Museum is used for a variety of artistic, cultural, and historical presentations. The building has served as a community center for numerous community groups and organizations. In addition, the African-American Museum has hosted community forums, meetings, workshops, and recreational activities. In an effort to combat crime, enhance security, and bring about much needed social and physical change within the area, the African-American Museum has worked diligenty to enhance and improve the neighborhood through various projects and community outreach activities.

The African-American Museum in Fresno is the only African-American Historical-Pictorial museum in the entire San Joaquin Valley. It houses some of the Valley's proudest pictorial moments, events, and heroes. Additionally, the museum is working with the City of Fresno and the Outreach Unit from the School of Professional Phychology and several local businessmen to sponsor a total youth involvement conference. The conference is directed toward crime prevention and positive redirection of youth participation within the community.

Mr. Speaker, it is with great honor that I pay tribute to the African-American Historical and Cultural Museum in honor of Black History Month. The museum symbolizes the long and storied history of contributions made by African-Americans to the development of the San Joaquin Valley. I ask my colleagues to join me in wishing the African-American Historical and Cultural Museum many more years of success.

IN HONOR OF JOHN E. MOON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor John E. Moon, Commander-in-Chief of the Veterans of Foreign Wars of the United States (VFW). Mr. Moon has exhibited himself to be a model American through his proud service to his country throughout his life.

Mr. Moon attended Northwest State College and earned degrees in Business Management and Human Resources. Mr. Moon entered the United States Marine Corps in July 1968 and went on to a successful career of defending the interests of his nation. His outstanding service in the Vietnam conflict earned him numerous honors including three bronze stars, the Vietnam Campaign Medal, the Combat Action Ribbon, and the National Defense Service Medal.

After departing Vietnam, Mr. Moon went on to serve as Post Commander of his local VFW post, 2873, and served the people of Grover Hill, Ohio as their mayor for sixteen years. In his terms as local Post Commander, he was awarded the distinction of All State Post Commander. Mr. Moon also served on numerous national committees before achieving the top post in the VFW such as the Americanism committee which helps to inspire the American patriotic spirit within the populace of our nation, especially our youth. Mr. Moon was elected VFW Commander-in-Chief on August 21, 1997 at the VFW National Convention in Salt Lake City, Utah.

My fellow colleagues, join me in saluting a true American patriot, one who believes the American spirit should continue to thrive in the hearts of all Americans, VFW Commander-in-Chief, John E. Moon.

COMMENDATION OF SARA ATKINSON AND ERIN ENO PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I would like to congratulate and honor two young Hawaii students from my district who achieved national recognition for exemplary volunteer service in their communities. Sara Atkinson of Kealakekua and Erin Eno of Wailuku have been named two of my states top honorees in the 1998 Prudential Spirit of Community Awards program, an annual honor conferred upon the most impressive student volunteers across America.

Sara Atkinson is being recognized for her initiative in developing a mentoring program for children who were at-risk for violence and substance abuse. Today, through Sara's commitment, over forty children now have mentors. These mentors not only counsel, but also participate in other community services like fund raising and food drives that benefit Hawaii's needy. I commend Sara for her dedication to assist and improve the community in which she lives.

Erin Eno is being recognized for her commitment to help the elderly. Erin sewed lap blankets and wheel chair bags for residents at a local nursing home. When Erin was told she was too young to volunteer, she decided to do something on her own initiative. She solicited fabrics from a local factory and generously gave her time and talent to sew blankets and wheelchair bags that benefited local nursing home residents. Erin is strongly committed to contributing to the community. Through her creativity and ingenuity she found a way to assist senior citizens in her community.

I applaud the selfless contributions made by Sara Atkinson and Erin Eno. I believe they are shining examples of how young citizens can make a positive impact on the lives of others. I commend them for their desire to help others. What they have done will encourage other young people to follow in their footsteps.

CONGRATULATIONS TO JANICE BRALY, ELEANOR LEMA, CAROL BLASINGAME, SALLY MAGNESON, AND SHIRLEY KIRKPATRICK

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Janice Braly, Eleanor Lema, Carol Blasingame, Sally Magneson and Shirley Kirkpatrick for being recognized as the recipients of the Common Threads Award. The award recognizes women whose roots are in agriculture, and who have dedicated themselves to their community through volunteer service and philanthropic giving.

Janice Braly of O'Neals is a former State President of California Woman for Agriculture and a California 4–H foundation member. Among her other accomplishments are a University of California Davis Dean's Policy Council Member and Castaic School Board Association President. She is currently a member of both the California Cattle Women and the Madera County Cattle Women.

Eleanor Lema of Merced is a three-term Chapter President of California Women for Agriculture. She has been active in the Merced Chamber of Commerce for 10 years. Her accomplishments include being a Merced County Farmland Trust Board member for six years, a Merced Farm Bureau member for 20 years and a member of the Soroptimist Club, where she served as a board member for 15 years.

Carol Blasingame of Fresno served as a Director for the Big Fresno Fair Director for three years. In 1996, she was President of the La Feliz Guild. Carol is a member of the Board of Directors of the Fresno City & County Historical Society, Chairman of the Fresno Fair Education Program, serves on the Ag Fresno Advisory Board, and is a member of California Women for Agriculture.

Sally Magneson of Ballico served as President of the P.T.A. at three different schools, as a Brownie Leader, and as a Cadet Scouts Leader. She is a past President and the founding member of the League of Women Voters of Merced County. Sally was formerly active on the California State Reclamation Board, as the President of the Sierra Club of Merced, and as a member of the Merced County Library Commission.

Shelly Kirkpatrick of Exeter is a 4–H Diamond Star, an Officer of the Central California Chapter of California Press Women's Association, and a member of the Tulare County Cattlemen Association. She is the founding member of the Tulare County Chapter of California Women for Agriculture and was elected to the Recreation Commission for the City of Exeter. Shirley currently serves on the Tulare County Planning Commission and is a member of the California Farm Bureau Land Use Commission.

Mr. Speaker, it is with great honor that I congratulate Janice Braly, Eleanor Lema, Carol Blasingame, Sally Magneson, and Shirley Kirkpatrick for being recognized with the Common Threads Award. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these individuals many more years of success.

HONORING THE REV. BETSY SYMLIE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special person in my district, the Reverend Betsy Smylie.

Reverend Smylie graduated from Harvard Radcliffe in 1975, and earned her Master of Divinity from Harvard in 1981. Upon graduation, Reverend Smylie began her career of service in Western New York.

Throughout her many years of service to our community, Reverend Smylie served as Vicar of Ephphatha and Diocesan Missioner to the Deaf. She has also demonstrated a true commitment to such important institutions for the Deaf as the St. Mary's School, Deaf Adult Services, and other agencies whose goal is empowerment for Western New York's hearing impaired.

In addition to her tremendous service to the Deaf, strong command of sign language, devotion to God and community, and leadership, she has obtained an extraordinary level of respect from our community, both as a scholar and preacher, and as an unyielding advocate.

Tragically, Reverend Smylie was admitted to the hospital on January 5th, 1998 with malignant brain cancer.

Mr. Speaker, today I would like to join with the Town of Hamburg, and indeed, our entire Western New York community, to express our sincere best wishes to Reverend Betsy Smylie for a complete and speedy recovery through God's Healing Hand as she battles cancer.

Reverend Smylie has always had a love for our American government. It is only fitting that I now ask my distinguished colleagues to join me in prayer for the Reverend Smylie, and for

her husband, Reverend John Smylie, and their children, Shemaleiah and Nathan.

IN HONOR OF REVEREND WATKINS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SCHUMER. Mr. Speaker, it is with great pride and pleasure that I write to congratulate you on your calling to serve as the Senior Pastor of the 125 year old Nazarene Congregational United Church of Christ in Brooklyn.

As a native son of the State of Texas you exemplify the belief that everything and everyone in Texas is just a little larger than life. Your illustrious background has encompassed ministering to students at numerous colleges, universities and churches.

You have also served your country with excellence as Coordinator of Health, Education and Welfare Transition Planning Group for the Ford-Carter Transition. As a scholar of all facets of economic justice, you served as a consultant to President Carter in several upper level positions which provided economic assistance to many Americans.

Your belief that "Loving pastoral care and efficient management of the business of the church is extremely important if greater emphasis is to be placed on the spiritual development of the congregation" is a phrase which embodies your caring and intelligent concern for your fellow man.

I feel that the lives of the parishioners of the Nazarene Congregational United Church of Christ will be greatly enriched by your spiritual leadership. It is my most sincere hope that you will continue to enjoy good health for many years to come and that you will be able to fulfill all your plans for the future.

TO ESTABLISH A SELECT COMMITTEE ON POW AND MIA AFFAIRS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RAMSTAD. Mr. Speaker, over 2,100 Americans are still unaccounted for from the war in Vietnam, over 8,100 from the Korean Conflict, and nearly 78,800 from World War II. It is imperative that the accounting of each and every one of our POWs and MIAs be given the highest priority by our government and by this Congress.

Because I feel so strongly about finding new information on American POWs and MIAs, and as a result of the hundreds of thousands of family members who want to find the truth about their loved ones, I am asking my colleagues to cosponsor H. Res. 16—a resolution establishing a Select Committee on POW and MIA Affairs.

As many of you know, the Senate Select Committee on POW/MIA Affairs released its final report several years ago. But as Members of Congress, we need to keep asking the tough questions and demanding hard answers on this issue.

This proposed Select Committee on POW and MIA Affairs will conduct a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, or World War II, including MIAs and POWs.

This temporary select committee will present it's final report by January 5, 1999, setting forth its findings and recommendations as a result of its investigation, and then terminate.

We must continue with vigilance the work by our government to achieve a full accounting of every American POW/MIA. We have a moral obligation to give this issue our immediate and undivided attention. Please join me in this effort and cosponsor H. Res. 16.

IN HONOR OF LUCIE J. DUVALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Lucie J. Duvall, Lieutenant of the Cleveland Police Department, on her retirement after twenty-five years of public service. Her outstanding service to the city of Cleveland will not be forgotten.

Lt. Duvall entered the Cleveland Police Department on February 20, 1973 and soon after became one of the first females assigned to basic patrol. During her tenure in the Fourth District of the department, Lt. Duvall worked as a Scientific Investigative Unit and was instrumental in combating the prostitution problem in Downtown Cleveland. Lt. Duvall achieved the rank of Sergeant in 1981 and became a supervisor of the Hostage Negotiation Team. Lt. Duvall continued her work in the department as a member of the Child Pornography Task Force and was an original member of the Ohio Children's Trust Fund.

Lt. Duvall achieved a hallmark in her career in 1982 when she became the first female police officer to head a vice unit in America. Lt. Duvall was promoted to her current rank of Lieutenant in 1982 and continued her fight for the protection of children. Lt. Duvall graduated from the F.B.I. National Academy in 1984 and earned a Bachelor of Science degree from Dyke College in 1993. Lt. Duvall was recently named Detective Bureau Coordinator in the Bureau of Special Investigation in Cleveland in 1995.

My fellow colleagues, join me in saluting a model police officer, a woman who has pioneered numerous fields within the Cleveland police department, Lieutenant Lucie J. Duvall.

IN RECOGNITION OF PEACE CORPS DAY '98

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. HALL of Ohio. Mr. Speaker, today educators and former Peace Corps volunteers came together across the country to take part in Peace Corps Day '98. By speaking in classrooms throughout America, returned Peace Corps volunteers shared their experiences with a new generation of Americans to enhance cross-cultural understanding, and strengthen global education. The events of Peace Corps Day '98 teach young people the value of service to those who are in need.

Since 1961, when the Peace Corps was established by President John F. Kennedy, over 150,000 men and women have volunteered in over 132 countries around the world. I am proud to say that I am one of the 6,500 Ohioans among that number.

For 37 years, the Peace Corps has brought together bright, energetic people who are committed to service, and has equipped them with the tools to serve in foreign countries as representatives of peace. Today, over 6,500 Americans serve as Peace Corps volunteers in over 84 countries. These individuals are helping to create a better future for the local people with whom they work. Peace Corps volunteers are laboring to help communities improve sanitation, cultivate food, and gain access to clean water. These volunteers are teaching English, math, and science; and helping local entrepreneurs start new businesses. Most importantly, however, Peace Corps volunteers are America's diplomats of peace and friendship around the world.

But, it is not easy. I know first-hand the challenges and difficulties faced by Peace Corps volunteers. I also know the tremendous rewards from my own Peace Corps experience. Simply put, it changed my life. When I graduated from college in 1964, my dreams were to play pro-football, make big money, and drive fast cars. Instead, I found myself teaching English and riding a bicycle through the jungles of Thailand.

I remember my first night in Thailand. While sitting in a restaurant, I watched a cat chase a rat across the floor and devour it. I thought, "what am I doing here?" But as my experience progressed, and I got to know the villagers, my entire outlook on life changed. I came home to America with a better understanding and appreciation of the world, with my priorities in order, and prepared for a life of public service.

Peace Corps Day '98 continues the proud legacy of the Peace Corps to instill within young people an understanding of the importance of service and to foster a better appreciation for the world. Today, more than 350,000 students in all 50 states learned about life in developing countries by talking with former Peace Corps volunteers who served overseas. Some students were able to learn about the experiences of volunteers currently serving in countries like Panama through video conferencing and speaker phone.

After 37 years, Peace Corps volunteers continue to work against hunger, illiteracy, and poverty to provide more opportunities to people around the world. Their years of service has improved the lives of millions. The success of Peace Corps volunteers and the continuing needs of the developing world has prompted President Clinton to request more funding for the Peace Corps in order to increase the number of volunteers. At the same

time, interest in the program has increased within the American public. In 1997, there was a 40% increase of individuals interested in serving as a volunteer since 1994.

Today, on Peace Corps Day '98, the Peace Corps deserves our appreciation and highest recognition as they continue to instill the value of service and volunteerism to young people throughout our nation.

TRIBUTE TO THE DOMINICAN HERITAGE CELEBRATION COMMITTEE OF HOSTOS COMMUNITY COLLEGE ON ITS CELEBRATION OF THE INDEPENDENCE OF THE DOMINICAN REPUBLIC

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Dominican Heritage Celebration Committee of Hostos Community College in my South Bronx Congressional District on its celebration of the independence of the Dominican Republic during the week of February 27–March 5, 1998.

On Friday, thousands of members and friends of the Dominican community gathered at the Hostos Center for the Arts & Culture Small Theater to open Dominican Heritage Celebration Week.

The week-long celebration will feature a wide variety of entertainment for all age groups. A series of concerts, art exhibits, lectures and cultural performances will take place to commemorate the contributions of Dominicans to our community and our nation.

Now numbering more than 600,000, Dominicans are the fastest growing Hispanic immigrant community in New York City. With the election of the first Dominican to the City Council, the Honorable Guillermo Linares, and that of New York State Assemblyman, the Honorable Adriano Espaillat, we are witnessing a new generation of Politicians with Dominican roots. That is an encouraging advance.

Although the celebration is in the Bronx, the events bring people from all over New York City to celebrate. Organizations have encouraged different cultural and social organizations to take part in the festivities.

The week-long celebration will have numerous activities for the community to enjoy. Folkloric bands will entertain the crowds and there will also be foods and crafts typical to the Dominican Republic.

Mr. Speaker, it is with enthusiasm that I ask my colleagues to join me in paying tribute to this wonderful celebration of Dominican culture, which has brought much pride to the Bronx community.

A SALUTE TO EUGENE P. RUEHLMANN: 1998 GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PORTMAN. Mr. Speaker, today I recognize a prominent Cincinnatian and a friend, Eugene P. Ruehlmann, who was recently honored by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. I thank him for the vision and service that he has so generously given to our area, and for the model he provides today.

Mr. Ruehlmann, a native Cincinnatian, graduated from the University of Cincinnati in 1948 and Harvard Law School in 1950. He served in the Marine Corps and then began a long career in public service. The major transformation of Cincinnati's innovative downtown began under Mr. Ruehlmann's leadership. As a member of the Cincinnati City Council and as Mayor of Cincinnati, he led the effort to keep the Reds in Cincinnati, attract a National Football League franchise to the city, build Riverfront Stadium (now Cinergy Field) and construct the Albert B. Sabin Convention Center.

Following the race riots in 1967, Mr. Ruehlmann worked to heal the city. He reformulated the city's Human Relations Commission, and founded the Mayor's Housing Coordinating Committee and the city's Project Commitment.

He has given his time to numerous charitable and community organizations, such as Children's Hospital, Children's Hospital Medical Center, Greater Cincinnati Foundation, the Work and Rehabilitation Center, March of Dimes and the National Conference of Christians and Jews. Along the way, he has built a successful law practice with Vorys, Sater, Seymour and Pease in Cincinnati, and served on the Board of Directors of the Center for Resolution of Disputes. In all these years, and with all these accomplishments, he has remained a devoted family man. He and his wife, Virginia, have raised eight children and now have twenty-three grandchildren.

All of us in Greater Cincinnati congratulate Gene Ruehlmann on his deserved selection as a Great Living Cincinnatian, and thank him for his many years of distinguished service to our community.

RECOGNITION OF NATIONAL SPORTSMANSHIP DAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to recognize and honor today's eighth annual celebration of National Sportsmanship Day. The objective of National Sportsmanship Day is to promote the critical role of ethics, honesty, and fair play in athletics and society in general.

Today, at more than 10,000 schools in all 50 states and over 100 countries, children will be taught the skills of good sportsmanship and the importance of playing fair in sports and in life through programs, contests, and other activities. The skills these children learn will guide them through a lifetime of choices both on the court and off the field.

This program began at the Institute for International Sport, located in my district at my alma mater, the University of Rhode Island. Since it's inception in 1990, this program has touched the lives of hundreds of thousands of young people across the world. The institute provides information and materials to participating schools on sports ethics, healthy competition, and fair and equitable play.

Mr. Speaker, I ask my colleagues to join me in applauding those participating in this worthwhile program, and in extending my congratulations to the Institute for International Sport for being recognized by the President's Council on Physical Fitness and Sports.

GOVERNMENT AUTHORITY AND MANDATES ARE NOT BENEFICIAL TO ECONOMY COMPETITION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. LINDER. Mr. Speaker, I do not believe that government authority and mandates are beneficial to economic competition. In fact, nations that have achieved the most impressive growth in the past have not been those with rigid government controls. Our telecommunications bill last Congress was an example of our putting trust in the power and potential of the marketplace.

For the past two years, however, I have watched and read about the latest regulatory battle or industry court battle. First, the telecom industries need to honor the intent of the act. Second, I am concerned that the FCC continues to advance in its own direction on many issues—a direction this Congress did not authorize. Somehow, we have to demand that the FCC and the regulators commit to implement this act the way we intended.

And for clarification—we intended less regulatory constraints and more competition in the marketplace. The competition we envisioned between the various telecommunications industries would secure lower prices for consumers, improve service to the American consumer, and accelerate the development of new technological breakthroughs in the telecommunications market. I hope we see the competition we envisioned as soon as possible.

A TRIBUTE TO THE HONORABLE ERNEST THOMPSON, MAYOR OF ARTESIA, NM

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SKEEN. Mr. Speaker, I rise today to recognize the accomplishments of Ernest

Thompson, who has served the last quarter-century as Mayor of the City of Artesia, which is located in my congressional district in southeastern New Mexico.

Mayor Thompson was first elected in 1972. Today, the voters of Artesia will go to the polls to select a new mayor, and they will find his shoes hard to fill. Mayor Thompson has been active in the New Mexico Municipal League, having served as President and as a member of the board of directors. In the National League of Cities, the Mayor served as President of the Small Cities Advisory Council and is a current member of the Finance, Administration and Intergovernmental Relations Committee.

In 1939, almost 60 years ago, Mr. Thompson moved to Artesia from central Texas. He worked at the local Navajo Refining Company until his retirement. The Mayor is a member of the First United Methodist Church, and has spent the last 46 years as an active supporter of the Boy Scouts of America; having served as cub master, scout master, explorer leader, area executive board member and district chairman. He is a recipient of the Boy Scouts of America's Silver Beaver Award.

During Mayor Thompson's administration he initiated and completed almost $30 million of important and necessary local construction projects including a law enforcement center, two fire stations, the Artesia center, a new warehouse, an airport terminal, a wastewater treatment plant, the remodeling and expansion of the Artesia Senior Citizens Center, the remodeling of City Hall, the expansion and remodeling of Artesia Library, and several street and water/wastewater infrastructure projects. Many of these projects were assisted with federal funding through Urban Renewal, Neighborhood Development and Community Development Block Grants which were also matched by the State of New Mexico.

Mr. Thompson has been active in Artesia's important local civic groups including the Artesia Rotary Club, the New Mexico Gideons, the Artesia Quarterback Club and the Artesia Parents and Boosters Club. Mayor Thompson's wife of 55 years, Grace, has always lent her loving support for his many efforts and accomplishments on behalf of the citizens of Artesia. They have one son and two grandchildren.

I ask my colleagues today to take a special moment to recognize and thank Mayor Thompson for his 26 years of outstanding and distinguished service and congratulate him on a job well-done. Artesia will always fondly remember the accomplishments of the Mayor: Ernest Thompson.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. BEREUTER. Mr. Speaker, the following is the second quarterly report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, and it was prepared and compiled by those Members of Congress (Representative DOUG BEREUTER, Representative ALCEE HASTINGS, and Representative DONALD MANZULLO) who traveled to Hong Kong, Macau, Shenzhen, and Beijing from December 13–20 as part of their responsibilities as Members of the Task Force. The report reflects the observations of the Task Force during the trip but also includes other information compiled before and after the trip up to December 31, 1997.

SUMMARY OF SECOND REPORT

In the first report of the Speaker's Task Force on the Hong Kong Transition, Hong Kong's reversion to China was characterized as "so far, so good." Six months after the official reversion that characterization still applies. However, nearly all observers agree it is "too early to tell" whether Hong Kong will be greatly affected by the transition and/or whether the United States' significant interests in Hong Kong will be adversely affected. From all perspectives both within and outside of Hong Kong, the very negative scenarios for Hong Kong, which many had predicted thus far, have not occurred. Undoubtedly, this is due in part to a determined effort by officials from the People's Republic of China (PRC) to respect Hong Kong's autonomy under the "one-country, two-systems" formula. Despite the fact that the fundamental underlying reasons for China's stance remain the same, there is no assurance that the outcome from those objectives will still prevail.

To date, the Hong Kong people seem to enjoy the same basic liberties and rights they enjoyed prior to the reversion. However, this is tempered by the abolition of the Legislative Council and its replacement by a provisional legislature which was "selected," but not elected, by the people of Hong Kong. Most observers agree that Hong Kong and Beijing officials responsible for implementing the "one-country, two-systems" framework are "on their best behavior." Yet, one overriding concern remains: Are Hong Kong officials subtly anticipating what Beijing desires and not in all instances vigorously pursuing the autonomy they have out of fear they will upset Beijing? At least with regard to routine matters, Hong Kong government officials seem quick to assert their own autonomy. There also is some evidence that Hong Kong officials may be seeking to influence policies on the "mainland." But on more sensitive issues such as President Jiang's interaction with protesters, Hong Kong officials may be attempting to put on a good face for Beijing. If such attempts to "out royal the queen" are really occurring in Hong Kong, a subtle and seemingly invisible erosion of Hong Kong's autonomy could be happening without being fully discernible.

BEIJING: HONORING ITS COMMITMENTS

Chinese officials in Beijing and Hong Kong who are responsible for implementing the "one-country, two-systems" legal framework are clearly bending over backwards to demonstrate a policy of non-interference in the areas of Hong Kong's autonomy (every aspect of governance except, as specified, foreign affairs and defense). In meeting after meeting, officials of Hong Kong and China reiterated the "one-country, two-systems" framework and provided anecdotes of decisions with which Beijing or its representatives in Hong Kong were not involved—like Hong Kong's defense of its own currency during the monetary crisis. In one instance, a Chinese official recounted that he was informally approached by a Hong Kong official about an issue falling in the monetary policy arena. That official recounted declining to offer an opinion because it was in Hong Kong's own autonomy. Another example of deference occurred when PRC officials reportedly approached Hong Kong officials regarding South Africa's mission to Hong Kong (a matter all parties agree lies within Beijing's sole authority for foreign affairs).

One good test of the non-interference of PRC officials is Hong Kong's self-reporting under two key international covenants on human rights. When pressed on the issue, Ma Yuzhen, PRC Ministry of Foreign Affairs Commissioner, stated that his office intends to function only as a "conveyor belt" transferring the reports from Hong Kong to the United Nations in New York without suggested changes or even recommendations.

One example of Hong Kong's continued autonomy involves the decision to let British expatriates in the Hong Kong government join the official PRC delegation to such international organizations as the World Intellectual Property Organization. Moreover, Hong Kong officials demonstrated their autonomy at the last Working Group meeting in Geneva on China's accession to the World Trade Organization by submitting seventeen questions in China's new services offer.

But the question remains as to whether Hong Kong officials are altering their actions so as to please Beijing on certain matters. One Hong Kong journalist termed this practice the new "political correctness." This practice could greatly influence how the Hong Kong government handles the requirement in Article 23 of the Basic Law that it enact laws prohibiting acts of treason, secession, sedition, subversion against the Central Government, and theft of state secrets. However, while many people accuse Hong Kong officials of this "political correctness" toward Beijing, the only evidence of such actions occurring involves the Hong Kong government's alleged movement of protesters away from a site where President Jiang Zemin was to be during his visit to Hong Kong, the removal of Taiwan flags from a public bridge during that Taiwan's national day, and also an alleged informal request from the PRC for an opinion by a Hong Kong official on an international monetary policy issue.

Many other controversial issues are labeled by various government opposition groups as falling within this category of "political correctness" on the part of Hong Kong officials, but it is often impossible to discern the motives behind the policy. For example, the Hong Kong government's decision to require more than three hundred schools to comply with a directive to use Cantonese as the medium of instruction in secondary schools (while allowing more than one hundred schools to continue to teach English) could either be a "practical" decision to improve understanding and instruction in the schools or a "patriotic" move.

Similarly, opposition politicians in Hong Kong have vigorously criticized the Hong Kong government for its handling of the Avian flu crisis, arguing that an embargo was not placed on birds from China for fear of angering Chinese officials. However, the Hong Kong government quickly consulted and cooperated with international health official in an attempt to contain the flu. They also eventually and completely banned the importation of chickens from China, thereby placing significant economic hardship on local producers in China, and slaughtered and discarded all chickens in Hong Kong.

POLITICAL AND LEGISLATIVE ACTIVITY

One real caveat to the "so far, so good" characterization of the Hong Kong transition

is the roll back of democratic reforms in Hong Kong. Though Chief Executive Tung Chee-hwa argues that the number of directly elected seats of the Legislative Council (Legco) will increase to thirty by the year 2004, he bluntly admits that democratic reform in Hong Kong is "not a priority at this moment." He says that he will do "what is right for Hong Kong" and that, he makes clear, is to let democracy mature slowly.

The Task Force's initial report characterized the changes in Hong Kong's elections laws as a "remaining concern." While it appears that all major political parties in Hong Kong are active in preparing for the May 1998 Legco elections, the number of votes cast will diminish because of changes to Hong Kong's Electoral Law which abolished mass-membership functional constituencies and restricted the numbers of Hong Kongers eligible to vote in the thirty functional seat contests. Unlike the September 1995 Legislative elections, when more than two million Hong Kongers had votes in functional constituencies in addition to their votes in the districts where they lived, in 1998 only 200,000 voters will be eligible to pick the 30 legislators representing functional constituencies. (News reports show registration of functional constituencies to be very low but it is difficult to determine whether general apathy or apathy created by electoral law changes have caused this low registration turnout.)

Moreover, while it is impossible to prove the motive for the election law changes, it is clear that the Democratic Party will lose representation in the newly constituted Legco because of the aforementioned changes and because of the additional election law changes requiring use of a "proportional representation" system to determine election winners. Martin Lee, Democratic Party Chairman, predicts that the representation of "Democratic Party and friends" will fall from twenty-six in the abolished legislature to fifteen in the newly elected legislature in May of 1998.

Most political observers in Hong Kong have welcomed the Provisional Legislature's adoption of a doctrine of 'essentiality," i.e., only considering and approving legislation that is absolutely essential during its transition period until an elected legislature is put into place. However, it is unclear whether the Hong Kong government's decision to postpone consideration of a bill prohibiting acts of treason, secession, sedition, subversion against the Central Government, and theft of state secrets means that the legislation will be more or less restrictive of the Hong Kong peoples' basic rights. Clearly, this issue will be one of the first important tests of the newly elected Hong Kong legislature and current government. Future benchmarks include the government's responsiveness to Hong Kong public opinion when formulating legislation (as it appeared to do in the formulation of the societies ordinance) and whether the Hong Kong government strictly enforces the legislation, once enacted.

HONG KONG'S CUSTOMS AUTONOMY: A PROMISING START BUT TOO EARLY TO JUDGE

Indicators suggest that Hong Kong is fully exercising its autonomy as a separate customs territory within China. Law enforcement cooperation between Hong Kong police and Customs and U.S. Customs remains "much the same" and, according to U.S. officials, there appears to be "no change in the working relationship." Nevertheless, it is "too early to judge" whether long-term U.S. trade, security, and law enforcement interests in Hong Kong ultimately will be affected by the transition.

To prevent smuggling through its port, Hong Kong Customs employs four hundred people but is only able to examine approximately 1300 of the 13.5 million containers per year which move throughout the entrepot territory. In addition, the border between Hong Kong and Shenzhen currently handles 14,000 vehicles per day, and that number is increasing daily. "Without good intelligence," U.S. officials say, Hong Kong custom's task in finding smuggling is like "looking for a needle in the haystack." American officials acknowledge, however, that their Hong Kong counterparts "do as good a job as anyone."

In November, the U.S. Foreign Commercial Service performed thirty post-shipment verifications on export licenses and found only one or two questionable situations. Moreover, those questions were resolved upon further inspection. A U.S. interagency team on export controls traveled to Hong Kong on January 12, 1998, as part of a bilateral cooperation agreement between Secretary of Commerce William Daley and Hong Kong Trade and Industry Secretary Denise Yue. The conclusions of that meeting were not available for this report. Hong Kong's customs service has demonstrated continued diligence and quick response on two potentially serious diversions from North Korea of unmilled tank barrels and rocket fuel. The customs service now has legislation to catch "middle men" in Hong Kong who facilitate diversions not actually involving the Hong Kong port. In this respect it is similar to the United States and a leader in the world.

One continuing complaint by U.S. law enforcement officials involves Hong Kong's laissez faire approach to money being personally carried in and out of Hong Kong. There is no reporting requirement for travelers doing this, and Hong Kong is therefore an ideal place for laundering money. Note: This situation existed in Hong Kong prior to the transition and therefore is not a resulting problem. Nevertheless, it would seem desirable for the U.S. Government to recommend that the Hong Kong government mirror U.S. reporting requirements in order to stem the flow of money laundering.

U.S. officials give Hong Kong Customs high marks for recent stepped-up efforts on textile transhipments, but lower marks for their enforcement of intellectual property rights violations. Hong Kong Customs claims difficulty in "going after the kingpins" and, instead, arrests the sellers at the retail level of pirated material. More blatantly, some well-known arcades certainly do rather openly market pirated software and compact discs. Some Hong Kong officials complain that the reason that pirated products remain on sale in legitimate retail stores is that "there is no deterrent"—judges are too lenient. However, recent increases in jail terms along with expanded enforcement powers for Customs officers may have a positive effect in reducing piracy. Also, the government has introduced legislation that should help enable Customs to control illicit production.

ECONOMIC CONDITIONS IN HONG KONG

If one were only to examine the Heritage Foundation's annual Index of Economic Freedom or the American Chamber of Commerce in Hong Kong's annual confidence survey, one might wrongly conclude that Hong Kong's economic outlook remains unchanged from last year. However, regional economic woes beginning in the summer of 1997 have had a significant impact on Hong Kong.

Drawing on large international currency reserves and a strong determination to defend the HK$–US$ peg, Hong Kong was able to weather an initial attack on its currency caused by the financial turmoil throughout Asia. This led, however, to a sharp rise in interest rates as well as large drops in the stock and property markets. After rising to a new high in August, the stock market fell almost 40% during the last week of October. Since bottoming out in November of 1997, however, the Hang Seng index has battled back to levels recorded in April of 1997. (Information compiled after January 1, 1998) The real estate market is important to Hong Kong's economic viability and stability, and it certainly has an important effect on U.S. firms and citizens residing there. Residential property prices have been trimmed by 20%–30% in recent months.

Tourism in Hong Kong also has noticeably declined and it is difficult to predict how significantly the region-wide financial crisis will further affect this key industry. An additional issue of concern is the fact that the Peregrine Investment Corporation, Hong Kong's largest investment firm, declared bankruptcy on January 12, 1998. (Information compiled after January 1, 1998)

Despite recent difficulties, short-term confidence in the Hong Kong dollar seems strong, and policy makers express a continuing determination to defend the peg. (There are, however, a growing number of dissenters who maintain that Hong Kong will not be able to maintain the peg in the long term, principally because they predict China will eventually devalue the renminbi.) Hong Kong's banking sector and its regulatory regime are strong. Monetary figures show no sign of capital flight or panic. Hong Kong's foreign exchange reserves reached U.S. $96.5 billion in November 1997.

MACAU

Macau will revert to China on December 20, 1999, and become yet another Special Administrative Region. Like the British, Portugal negotiated a Joint Declaration with the PRC government that establishes a "one-country, two systems" formula for Macau. Although there are many similarities between the imminent Macau reversion to China and that of Hong Kong, there are several key differences.

If for no reason other than size, Macau has only a modest effect upon U.S. vital interests. Macau buys only one percent of the total exports which the U.S. sends to Hong Kong, and it houses only 1% of the number of Americans as reside in Hong Kong. Nevertheless, there are legitimate U.S. concerns in the areas of drug smuggling and intellectual property rights violations. For example, it is believed that a considerable portion of the region's illicit compact disc and videotape production lines may have moved to Macau. Estimates suggest that a hundred million or more illegal compact discs and movies per annum may now be produced in Macau. Exacerbating the illicit production problems in Macau are contradictory actions taken by the local courts concerning the government's seizure of equipment used in the illegal production lines.

Organized gang warfare is also a matter of legitimate concern. Early in 1997, Macau was featured in the news by reports about gang fighting or turf wars. Macau officials argue that the overall crime rate in Macau has been exaggerated by the sensational nature of the stories.

Macau's reversion to China presents several other key differences from Hong Kong's reversion to China. For example, Macau has

a "through train" for its Legislative Assembly and therefore will not have to cope with the provisional legislature scenario currently existing in Hong Kong. This body currently has twenty-three assembly members of which two-thirds are elected. It also has an ambitious legislative agenda for 1998 that includes localization of the major Portuguese codes and human rights initiatives. Of concern is the fact that the Macau Legislative Assembly was unable in 1997 to pass several human rights initiatives. Other key issues for Macau which pose difficult transition issues include localization of the civil service and nationality issues. With the approval of the Speaker for an expanded area of responsibility because of Macau's relevance to the Hong Kong transition and its proximity, the Task Force would propose to similarly observe and report on the Macau transition.

ADDITIONAL NOTE

Although there have been many economic developments in Hong Kong after December 31, 1997, this report generally reflects those developments occurring before that date. There are limited exceptions where the report comments on events occurring after December 31, 1997, and they are indicated appropriately.

TRIBUTE TO GARY GIACOMINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Gary Giacomini. Gary is being honored by the Citizens Foundation of Marin and the Marin Council of Agencies as the 1997 Citizen of the Year.

Marin County has a history of electing wonderful members to the Marin Board of Supervisors and Gary is a prime example. He fought hard for his constituents. In fact, he still is fighting for them. Gary truly loved his job. As a member of many county and state agencies, from the Marin County Transit District to the California Coastal Commission, Gary supported the issues that are important to the residents of Marin County.

I have had the pleasure to work with Gary on several Marin County issues. But where I've gotten to really know him is through the Pt. Reyes National Seashore. Shortly after I was elected to the House, Gary came to me with his vision to encourage agriculture by protecting lands east of the National Seashore from development. Based on Gary's vision, I introduced H.R. 1995, the Pt. Reyes National Seashore Farmland Protection Act, to offer willing land owners conservation easements to support agriculture. I made H.R. 1995 one of my top priorities. I will always appreciate Gary sharing his vision with me, and I will always be thankful for his support.

Mr. Speaker, it is my great pleasure to pay tribute to Gary Giacomini. His dedication and success to preserve agriculture in Marin County and fight for the causes he and his constituents believe in is admirable. I wish Gary and his family the best.

SPECIAL RECOGNITION OF SR. BARBARA DAVIS, SC

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. OXLEY. Mr. Speaker, today I rise to spotlight a very special lady who has unselfishly given of her time, energy and soul to others in her community. She has earned the honor of being named the 1998 National Catholic Education Association Distinguished Principal for the States of Ohio and Michigan.

She is one of only twelve Catholic School Elementary Principals in the country and the only one from Ohio to be chosen for this honor. The lives of many young people have been deeply touched with the kindness and sincerity that Sister Davis has shown. As principal of St. Mary's School, Shelby, Ohio, she worked to place computers into classrooms so that students will benefit from technological advances such as the Internet and other educational tools.

I extend my best wishes to her as she receives this award, and I urge her to keep up the good work. She truly is a remarkable teacher and role model. Thank you Sister Davis.

TRIBUTE TO MAJ. GEN. DOUG BUNGER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. FROST. Mr. Speaker, today I pay tribute to Major General Doug Bunger, who currently resides in Duncanville, Texas, upon his retirement this month from the United States Air Force. In his thirty-one years of service to this great nation he has proven himself an extraordinary leader of people, programs, and finances at all organizational levels in the Air Force, and finances at all organizational levels in the Air Force. As a military comptroller, General Bunger directed the financial operation for military airlift command during a period of intense defense military transportation requirements. He subsequently was the Air Force's Director of Budget Operations and then the Deputy Assistant Secretary for the budget. As such he developed, justified, and executed an annual budget of over $72 billion in support of worldwide air force operations. His record of integrity and accountability was flawless.

To conclude his distinguished career, General Bunger has commanded the Army and the Air Force Exchange Service, a $7 billion retail and services organization headquartered in Southwest Dallas. Under his charismatic leadership and efficient management AAFES has performed its mission exceptionally well, with earnings during his three-year tenure of over $930 million. What is more important is that these earnings have been vital to military personnel around the world, contributing well over $600 million to supplement the morale, welfare, and recreation programs of the Army and Air Force—thereby ensuring quality of life for service members and their families while reducing the burden of support from America's taxpayers. General Bunger's work force of 55,000 serve every day to provide soldiers and airmen value, service and support in all 50 states and 25 different countries—to include Bosnia, Haiti, Kuwait, Saudi, and Korea—significantly enhancing morale while saving them money.

Throughout his career, General Bunger has been an exceptional steward of defense resources, and his legacy of leadership and dedication deserve our admiration and praise. His numerous awards and decorations—which include the Distinguished Service Medal, two Awards of the Legion of Merit, a Bronze Star, four Meritorious Service Medals, and both Air Force Commendation and Achievement Medals—attest to his exemplary professionalism and distinguished service to our nation.

I salute Major General Doug Bunger as he retires from the United States Air Force and wish him and his lovely wife, Sarah, much happiness in their new hilltop home near Hot Springs, Arkansas.

LET CONSUMERS CHOOSE

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PAXON. Mr. Speaker, during the arduous legislative process that created the Telecommunications Act of 1996, the Members of the Commerce Committee used the basic principle of consumer choice as our guide.

Today, responsibility for implementation of the Telecommunications Act of 1996 rests with the FCC, and I am left to wonder if the same principles that guided Congress' creation of the Telecommunications Act, are guiding the FCC in their implementation of the Act.

When the Federal Communications Commission turned down yet another State Commission's request that the local Bell company be allowed to offer long-distance, the FCC essentially said that local phone customers cannot be trusted to make wise choices. The FCC said that, if we let them, the residents of Oklahoma, Michigan, South Carolina, or Louisiana, for example, might make what the FCC thinks is the wrong decision.

In passing the Telecommunications Act of 1996, Congress wanted competition to begin in the telephone services marketplace. It's time to get all parties moving in that direction.

The free enterprise system is built on the belief that American consumers are best capable of making consumer decisions—that they can decide what is good for them a lot better than a Washington bureaucracy.

TRIBUTE TO JAMES CARROLL PLACE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful man. The kind of

man that made this country the great nation it is today. I honor James Carroll Place as he should be honored.

Mr. Jim was one of those pillars of the community that worked hard every day, played by the rules and did what ever was necessary to make himself and his community successful. At the same time he always upheld the highest standards of conduct and integrity.

His tireless work for the community to build the wonderful event that we celebrate annually in my hometown, The Coon Supper, will be long remembered.

We should all hope that his example of high standards and good conduct will be followed by the generations to come. It made no difference if it was for the church, the town, the Farmers and Businessmen's Club, friends, neighbors, or his own family, he gave his all and his best and expected no less from us all.

He was a friend and mentor to me and was a business associate for many years. We never had a dispute. His sense of fairness and honesty was exceeded only by his great good humor. He was a friend, role model, farmer, leader, father, and Christian.

Some say that the measure of success of a man is his children. If so, then Mr. Jim was successful by all standards.

He will be long remembered as the standard for, as we say in my hometown of Gillett, Arkansas, a good man.

Let us today honor this good man and the standard he set for us all.

SALUTING GUAM POWER AUTHORITY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. UNDERWOOD. Mr. Speaker, It has been more than ten weeks since typhoon Paka struck Guam, causing nearly $400 million in damage and leaving more than 4,000 families homeless. The damage is still evident in some areas, but typhoon debris is steadily disappearing and the island is turning green again. For the most part, conditions are returning to normal, although life remains difficult for those who lost everything. But even for those enduring folks, things are improving day by day. Despite the many discomforts we continue to bear, we remain tremendously grateful that no lives were lost in this disaster. On February 16, we marked another reason for gratitude and appreciation. Just two months to the day of Paka's passing. Guam's electrical power system was fully restored.

The speed of this particular recovery is unprecedented in the annals of Guam's typhoon-prone history. It is a testament to the determination and dedication of the staff and management of the Guam Power Authority and the dozens of line crews from off-island who rushed to Guam's aid.

As in previous typhoons, Guam Power Authority crews were positioned and ready to battle the elements in order to keep the island's power system up and running. But Typhoon Paka was not a typical storm. As winds grew in intensity, and conditions grew increasingly more dangerous, the GPA crews were forced to ride out the storm at their respective worksites until the all-clear signal. The task that faced them the next morning was gargantuan. Power lines were dangling in the streets, in parking lots and in people's yards all over the island. They were tangled in wreckage and lying in broken pieces across roadways and along roadsides. Hundreds of transformers and thousands of street lights were ripped from their perches and scattered everywhere. Many were smashed beyond repair. Throughout the island wooden and concrete power poles broken, bent, tipped and even uprooted.

After assessing the damage, GPA announced that it would take at least three months or longer to restore service islandwide. The lengthy repair time was disheartening but not unreasonable given the immensity of the task. With Christmas around the corner, the sadness and disappointment in the faces of the people of Guam must have inspired the men and women of the Guam Power Authority to rise to the challenge. Instead of three months, GPA set an ambitious new goal of eight weeks.

With help from as far away as Hawaii and California, and from as close as the Northern Marianas, Palau and the Federated States of Micronesia, the Guam Power Authority worked long and hard to make Guam's holiday season as bright with light as possible. The Air Force also came to Guam's rescue with military line crews, heavy equipment and supplies, as well as providing nine C–5 flights to transport these and other personnel and materials to Guam. Our neighbors in the region also sent barges loaded with wooden and concrete poles, as well as transformers, electrical wire and other electrical supplies. All in all, 95 line personnel, 34 bucket trucks and 63 auxiliary line vehicles were brought in to augment GPA's equipment and 200 line personnel and 100 contractor crews. Priority was given to Guam's pumps and water wells, and running water was restored within days of the storm's passing. In the days that followed, GPA replaced nearly 700 transformers, nearly 100 concrete poles and some 800 wooden poles. Crews also restrung hundreds of miles of primary and secondary electrical lines. At this time, GPA is concentrating on replacing nearly 3,000 street lights island wide and reconnecting residential power as homes are repaired.

In the ten weeks since the storm, the line crews have been most visible to the public. They and their heavy equipment have been seen all over the island, working around the clock to restore the system. GPA General Manager Ricardo Unpingco also did a commendable job of keeping the public informed, delivering daily progress reports and fielding questions from the public via the news media. But Mr. Unpingco and the line crews were not alone in this massive and ambitious endeavor. Behind the scenes, many other employees of GPA worked just as long, just as hard, often attending to tasks that were not in their job descriptions, to support the restoration work. Lastly, the biggest, most understanding and most loyal supporters of GPA's restoration work have been the families—the wives, husbands, sons, daughters and loved ones of GPA employees, many of whom were also typhoon damage victims.

I rise today on behalf of the people of Guam to commend and to thank all the men and women of the Guam Power Authority, the personnel from the Saipan Commonwealth Utilities Corporation, Belau Public Utilities, Yap State Public Services Corporation, Pohnpei Utilities Commission, Hawaiian Electric Company, Southern California Edison, and the United States Air Force, and especially the families of all these fine people, for all the efforts and sacrifices they made to restore electrical power to Guam. Si Yu'os ma'ase hamyu todos; si Yu'os en fanbendisi.

CHILDHOOD CANCER AWARENESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. WAXMAN. Mr. Speaker, the City of Los Angeles has designated the week of March 1, 1998 as "Childhood Cancer Awareness Week." In honor of this proclamation, I ask my colleagues to join me in calling attention to the tragedy of childhood cancer and in working to defeat this debilitating enemy of our children.

Cancer is the leading cause of death in the United States today. Each year, approximately 10,000 American children are diagnosed with cancer. Moreover, it is the leading cause of death by disease among children in our country. While great strides are made each year in research, treatment, and prevention of childhood cancer, we must remain vigilant in our efforts to search for cures and more effective treatments.

I ask my colleagues to reaffirm their dedication to eliminating childhood cancer and to take a moment to express their appreciation to the devoted individuals working in the fight against this dreaded disease.

HONORING SALINE AREA CHAMBER OF COMMERCE WINNERS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to say a few words about a group of constituents in Saline, Michigan whose contributions to their community merit respect and recognition.

Tom Kirvan is managing editor of the Reporter newspapers. His friends and colleagues have named him their Citizen of the Year for his tireless work on behalf of others. Through his involvement with Big Brothers/Big Sisters or the Council on Alcoholism, Tom has been in every way a true public servant.

Rick Kuss is Saline's mayor and is well-known for his work on historic preservation and his efforts to improve Saline. Rick is a person with a great sense of community. The Chamber has rightly recognized his contributions by awarding him the Georgia A. Anderson Vision Award.

Dale Rothfuss is a recipient of a Lifetime Achievement Award from the Saline Chamber.

A retiree, Dale has spent his free time helping others at the area Senior Center, the American Legion, and Saline Community Hospital.

Joann Steiner has also been awarded a Lifetime Achievement Award. A dedicated public servant, Joann has served the Department of Public Works for 35 years. I am proud to join the Chamber in commending her achievements.

Mr. Speaker, in my opinion, one of the hallmarks of good citizenship is the willingness to take of your own time to devote to others. I therefore think it fitting that we recognize these four people for their significant achievements.

THE AVENUE OF THE PINES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SOLOMON. Mr. Speaker, one of the most attractive streets in New York State will soon be a virtual monument to the work of one of the state's finest companies, Finch, Pruyn & Company, Inc. It's not only one of the most famous tree-lined avenues in the Capital District, but in my opinion one of the most beautiful in the country. It's the Avenue of the Pines in the Saratoga Spa State Park.

My primary district office is in Saratoga Springs and I always look for an excuse to take Avenue of the Pines whenever I visit a neighboring community. That's why I'm glad to see that the avenue's priceless stand of more than 150 white and red pines is getting such attention from a company well-qualified to render it.

Finch, Pruyn & Company has long been an outstanding corporate neighbor in my hometown of Glens Falls. Its president and CEO, Dick Carota, is a real up-from-the-ranks kind of guy who knows every job description in the company from personal experience. He's a real All-American success story, and Finch, Pruyn is an All-American kind of company, providing not only employment, but a nicer place to live for everybody.

In addition to being a giant in the paper industry, Finch, Pruyn directs a nationally-recognized forest management program. In partnership with the New York State Office of Parks, Recreation and Historic Preservation, the company will do borings near the site to determine the age of the trees. Finch, Pruyn will then conduct further research on the effects of vehicular traffic, snow and ice maintenance practices, road salt, wildlife, pests, and diseases.

Four rows of trees were first planted in 1912. Six years later, the walkway was widened and paved for use by vehicles. There have been some modifications since then, but the avenue remains what it always was, one of the most enjoyable stretches of driving in the entire country.

Mr. Speaker, Finch, Pruyn's scientists are the best, and the people of our district can be sure the study will be as thorough as it is interesting. Finch, Pruyn was a pioneer in the field of sustainable forestry as far back as the last century, and later hired the country's best professional foresters. The company is equally advanced in protecting the environment. The company has invested more than $100 million in the last three decades, including $10 million in a new elemental chlorine-free pulp bleaching system.

Mr. Speaker, my friend Dick Carota, Finch, Pruyn's president and CEO, likes to do a little play on words, attributing the company's success to what he calls "Finch Pride."

He and every last employee have a right to be proud. So am I, and so is an entire community. I invite you, Mr. Speaker, and every member of this body to come on up and visit us any time, to see community and corporate cooperation at its finest.

A DEAL THAT'S WORSE THAN WORTHLESS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. OXLEY. Mr. Speaker, I would like to commend a recent column by Charles Krauthammer of the Washington Post to the attention of my colleagues.

[From the Washington Post, Feb. 27, 1998]

A DEAL THAT'S WORSE THAN WORTHLESS

PEACE IN OUR TIME—AGAIN

Two days before Kofi Annan made his "breakthrough" in Baghdad, the U.N. Security Council, with U.S. approval, authorized a huge increase in the amount of oil that Iraq can sell. In a stroke, this "humanitarian" gesture doubled Iraq's oil income to $10.5 billion a year. Iraq can now sell nearly 2 million barrels a day—about two-thirds of the oil it was selling when producing at peak capacity before the embargo. And that number does not even count the oil that we know Saddam is illegally smuggling through Iranian coastal waters.

At this U.N.- and U.S.-authorized level, Iraq—under sanctions!—becomes the *eighth-largest oil exporter in the world.*

This embargo-buster passed with little fanfare. It barely made the back pages of the newspapers. All hands pretended, moreover, that there was no linkage between this bonanza and the subsequent Saddam-Annan deal in Baghdad.

But remember that last November, when the administration was desperately looking for a way out of the last Iraq crisis, the State Department said we'd be willing to offer Saddam a "carrot" to get him to be nice. Such as? Such as a sharp increase in the amount of "humanitarian" oil that Iraq could sell.

So last time, when Saddam broke the Gulf War agreements and kicked out U.S. arms inspectors, the carrot was offered. This time, when Saddam broke the Gulf War agreements and stymied all the arms inspectors, the carrot was delivered.

Last time, President Clinton flapped about threateningly, then watched meekly as the Russian foreign minister brokered a "compromise." This time, Clinton flapped about threateningly, then watched meekly as the U.N. secretary general brokered a new "compromise."

Last time, Clinton's U.N. ambassador crowed that Saddam had "blinked." This time, Madeleine Albright's spokesman deemed the deal "win-win" for us.

Last time, the deal turned out to be completely worthless, giving Saddam four more months to hide his nasty stuff. This time, the deal is worse than worthless, giving Saddam crucial victories on the two issues he cares most about: economic sanctions and weapons inspections.

1. Sanctions. Not only did Saddam incur no penalty for his open defiance of the United Nations and open provocation of the United States, he was treated by Annan with a deference and flattery that bordered on the indecent. Moreover, the Annan-Saddam Memorandum of Understanding breathes not a word of criticism about Iraq's violating previous agreements, nor about its creating this crisis. On the contrary, Annan trashed his own arms inspectors (UNSCOM) as unruly "cowboys" and undertook, in writing, to bring Saddam's ultimate objective, the lifting of sanctions, "to the full attention of the members of the Security Council."

Sure enough, upon his return to New York, Annan began emphasizing the need to show Iraq "the light at the end of the tunnel," the Iraqi code phrase for ending sanctions. Like Russian Foreign Minister Yevgeny Primakov, who brokered the first nonagreement in November, Annan has become Saddam's sanctions-lifting advocate to the world. Unlike Saddam buddy and ex-KGB biggie Primakov, however, Annan is an effective shill.

2. Inspections. The United States had demanded no retreat from free and full access and no tampering by Iraq with the composition and authority of UNSCOM teams. Annan came back with a radical change in the composition of the inspection teams and a serious erosion of their authority. Inspection of "presidential sites," those huge complexes with hundreds of buildings where Saddam could be hiding anything, is taken away from control of UNSCOM, the tough inspectors whose probity we can rely on.

These sites are instead entrusted to a new body, headed by an Annan appointee. It will comprise political appointees, including diplomat-spies from Iraq-friendly France, Russia and China, as well as inspectors who presumably possess the requisite delicacy and sensitivity to Iraqi feelings. Iraqis can be so touchy about their stores of poison gas and anthrax.

How do you carry out a spot inspection—the only kind that has any hope of finding anything—when you first have to notify and await the arrival of, say, the Russian appointee, who has a hot line to the very Iraqi regime he is supposed to inspect? Inspector Clouseau has a better chance of finding concealed nerve gas than this polyglot outfit of compromised politicians and handpicked inspectors.

So tote it up. For Saddam: No penalty. Annan shilling for his demand to end all sanctions. UNSCOM undermined. Presidential palaces secure for storing anthrax and such. And his oil output doubled.

Another triumph of Clinton diplomacy.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RANGEL. Mr. Speaker, as we celebrate African American History Month, I would like to take this opportunity to pay tribute to the 86

African American recipients of the nations' highest military award for valor, the Medal of Honor. These medals of Honor were awarded for acts of bravery performed from the Civil War through the Vietnam Era.

Last year the President took steps to right a serious wrong, by acknowledging that not one Medal of Honor was awarded to an African American during World War II due to discrimination and other factors. On January 13, 1997 the President awarded the Medal of Honor to seven World War II African American heroes. The Secretary of Defense William S. Cohen also hosted a Pentagon ceremony on February 19, 1997 and paid tribute to the three surviving African American recipients of the Medal of Honor. During the ceremony the "Legacy of Valor" videotape tribute was presented, followed by the unveiling of an exhibit honoring the 86 African American recipients.

I find the following words, as contained in the Department of Defense "Legacy of Valor" tribute to be of particular significance:

"Eighty-six African Americans have earned the Nation's top award for valor, the Medal of Honor. Their legacy of valor is the thrilling story of African Americans in defense of freedom and justice. The stories of these 86 Medal of Honor recipients account for some of the most astonishing acts of bravery and personal sacrifice in the history of our armed forces. Through it all, despite an American legacy rooted deeply in slavery, each and everyone of them, by supreme sacrifice and devotion to duty, in the words of the great African American poet, Langston Hughes, boldly declared, "I too am American."

They demonstrated that African Americans have earned the right through military sacrifice and achievement alone, to be true Americans economically, politically, and socially. All Americans can take heartfelt pride in this illustrious record which, unfortunately, too frequently has gone unnoticed.

Although 86 African Americans received the Medal of Honor in military conflicts from the Civil War to Vietnam, due to discrimination and other factors, not one was awarded the Medal of Honor during World Wars I and II.

In 1991, however, President George Bush awarded the Medal of Honor posthumously to a World War I African American hero.

Additionally, on January 13, 1997, at a White House ceremony, President William Jefferson Clinton awarded seven Medals of Honor to African American WWII heroes. Six of those medals were awarded posthumously to the families of the honorees and the seventh Medal of Honor was presented to the only living WWII honoree.

All Americans owe a special debt of gratitude to these 86 African American heroes. Despite slavery, segregation, discrimination, and bitter disappointment they defended America with their very lives. When the chips were down, to paraphrase the incomparable General Douglass MacArthur, they understood the hallowed words, "Duty, Honor, Country, Freedom and Justice." These words were their rallying point to build courage when courage seemed to fail; to regain faith, when there seemed to be little cause for faith; to create hope when hope became forlorn. These words taught them not to substitute words for action nor to seek the path of comfort but to face the stress and sharp spur of difficulty head-on; to learn to stand up in the storm, but have compassion for those who fall; to reach into the future, yet never neglect the past. In their belief in God and family, in their strength, in their love and loyalty, many of them gave all that mortals can give.

"Oh beautiful for spacious skies, for amber waves of grain, for purple mountains majesties, above the fruited plains . . ." The wonderful song "America the Beautiful" begins. But as we look back over the valorous contributions of African Americans, it is the second stanza of America the Beautiful that all Americans can sing, with new meaning:

"Oh beautiful, Oh beautiful for heroes proved
in liberating strife,
who more than self their country loved and
mercy more than life . . ."

For these are truly 86 African American heroes who proved in liberating strife on domestic and foreign soil that they loved their country more than themselves and mercy for their people more than life!"

AFRICAN AMERICAN MEDAL OF HONOR RECIPIENTS

VIETNAM (1964–1973)

*ANDERSON, James, Jr.
ANDERSON, Webster
*ASHLEY, Eugene, Jr.
*AUSTIN, Oscar P.
*BRYANT, William Maud
*DAVIS, Rodney Maxwell
*JENKINS, Robert H., Jr.
JOEL, Lawrence
JOHNSON, Dwight
*JOHNSON, Ralph
*LANGHORN, Garfield M.
*LEONARD, Matthew
*LONG, Donald Russell
*OLIVE, Milton Lee, III
*PITTS, Riley L.
ROGERS, Charles Calvin
*SARGENT, Ruppert L.
SASSER, Clarence Eugene
*SIMS, Clifford Chester
*WARREN, John E., Jr.

KOREAN WAR (1950–1953)

*CHARLTON, Cornelius H.
*THOMPSON, William

WORLD WAR II (1939–1945)

BAKER, Vernon J.
CARTER, Edward A., Jr.
*FOX, John R.
*JAMES, Willy F., Jr.
*RIVERS, Ruben
THOMAS, Charles L.
*WATSON, George

WORLD WAR I (1917–1918)

*STOWERS, Freddie

WAR WITH SPAIN (1898)

BAKER, Edward L., Jr.
BELL, Dennis
LEE, Fitz
PENN, Robert
THOMPKINS, William H.
WANTON, George H.

INTERIM (1871–1898)

ATKINS, Daniel
DAVIS, John
GIRANDY, Alphonse
JOHNSON, John
JOHNSON, William
NOIL, Joseph B.
SMITH, John
SWEENEY, Robert Augustus (1 of 20 double recipients)

INDIAN CAMPAIGNS (1861–1898)

BOYNE, Thomas
BROWN, Benjamin
DENNY, John
FACTOR, Pompey (Black/Seminole; also used last name of Facton)
GREAVES, Clinton
JOHNSON, Henry
JORDAN, George
MAYS, Isaiah
McBRYAR, William
PAINE, Adam (Black/Seminole)
PAYNE, Isaac (Black/Seminole)
SHAW, Thomas
STANCE, Emanuel
WALLEY, Augustus
WARD, John (Black/Seminole)
WILLIAMS, Moses
WILSON, William
WOODS, Brent

CIVIL WAR (1861–1865)

ANDERSON, Aaron (a.k.a. Sanderson)
ANDERSON, Bruce
BARNES, William H.
BEATY, Powhatan
BLAKE, Robert (Escaped slave)
BRONSON, James H.
BROWN, William H.
BROWN, Wilson
CARNEY, William Harvey
DORSEY, Decatur (Escaped slave)
FLEETWOOD, Christian A.
GARDINER, James
HARRIS, James H.
HAWKINS, Thomas R.
HILTON, Alfred B.
HOLLAND, Milton Murray
JAMES, Miles
KELLY, Alexander
LAWSON, John
MIFFLIN, James
PEASE, Joachim
PINN, Robert
RATCLIFF, Edward
VEAL, Charles

AFRICAN-AMERICAN MEDAL OF HONOR RECIPIENTS

Vietnam	20
Korea	2
World War II	7
World War I	1
War with Spain	6
Interim 1871–1898	8
Indian Campaigns	18
Civil War	24
Total	86

* The asterisk denotes killed in action. This information provided by the Congressional Medal of Honor Society.

THE MIDDLE EAST AND NORTH AFRICA BANK FOR ECONOMIC COOPERATION AND DEVELOPMENT (MENA BANK)

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. HAMILTON. Mr. Speaker, I am concerned that efforts at regional economic integration, an important part of the Middle East peace process, have fallen by the wayside. The Middle East and North Africa Bank for Economic Cooperation and Development (MENA Bank) is an important U.S.-sponsored initiative to foster regional economic integration, and that Bank has yet to begin operations. A key part of the problem is that the United States has yet to provide funding to

capitalize that Bank, and so other Members of the Bank have also been reluctant to provide funding. On December 23, 1997 I wrote to Secretary Albright concerning United States support and funding for the MENA Bank, and on February 4, 1998 I received a reply. The text of the correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, December 23, 1997.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR MADELEINE: I write to state my strong support for U.S. funding for the Bank for Economic Cooperation and Development in the Middle East and North Africa (MENABANK).

It is a source of concern to me that Congress so far has failed to provide for the U.S. share of MENABANK capital contributions. As a result, it has been difficult for the United States to provide the needed leadership to make the bank a reality, and this entire effort to enhance and backstop the peace process has floundered. Unfortunately, little progress has been made over the past two years toward establishment of the MENABANK, and it is still far away from beginning operations.

I am convinced that this Bank can fulfill a very important role in support of the Middle East peace process. Its intended emphasis on privatization and regional cooperation is exactly the focus needed to promote peace and economic growth to bolster the peace process.

It is my understanding that some in Congress are reluctant to provide funds for this initiative, in addition to funds otherwise available for the Middle East. As you put together the Fiscal Year 1999 budget request, I would urge you to give priority to the MENABANK, even if it is at the expense of other Middle East priorities in the International Affairs budget account.

At a time when some key aspects of the Middle East peace process are so troubled, I believe it is especially important to the U.S. national interest to foster regional economic progress, and to foster hope. The MENABANK can do both. I want to be helpful to you in any way I can in support of U.S. funding and the Bank's early establishment.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC.

DEAR MR. HAMILTON: Thank you for your letter of December 23, 1997, to Secretary Albright concerning United States funding for the Bank for Economic Cooperation and Development in the Middle East and North Africa (MENABank). We appreciate your support and that of others on the Hill for this important peace process institution.

The Administration shares your view that the MENABank will play a seminal role in building stability in the Middle East through facilitating stronger regional economic ties. As you know, the MENABank is a product of an historic joint proposal made in October 1994 by the four core parties to the peace process: Egypt, Israel, Jordan, and the Palestinians. In cooperation with the regional parties, the United States has spearheaded the effort to bring the Bank into being.

Perhaps the best ongoing example of our commitment is our support of the multinational transition team in Cairo, headed by former United States Ambassador David Dunford, which is charged with setting up the Bank's structure. Already, the team, which includes professional staff members from Israel, Egypt, the United States, Japan Italy, the Netherlands, and Canada, has developed a set of draft financial and operational plans and an illustrative list of projects, which should enable the Bank to be launched promptly once two-thirds of its initial capital is committed by its members.

The Middle East currently receives only one percent of global foreign direct investment. The region will need investment of approximately $500 billion over the next ten years to stimulate sustainable economic growth. The Bank's focus on projects with a regional character and the ability to use its $5 billion capital base to leverage significantly greater flows of private resources is crucial in ensuring the growth needed in the region. Only with such growth can we hope to realize and sustain a more stable and prosperous Middle East. In addition, the Bank will help ensure that qualified individuals, often trained in the United States, will remain in the region and contribute to its growth.

We look forward to working closely with you and your staff in our continuing efforts to gather support for the MENABank. Thank you again for your help with this critical initiative.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

NOTES ON H.R. 856

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. ROHRABACHER. Mr. Speaker, before this House votes on H.R. 856, I want to inform my colleagues of a very recent development concerning one of the status options.

One of the most controversial issues in this legislation is the exclusion of an autonomy option that satisfies Puerto Ricans and that complies with the strict criteria of constitutional constraints and public policy imperatives.

Under H.R. 856, Puerto Ricans that do not favor either independence or statehood are forced to opt from the equally undesired extremes of plenary territorial subordination or a free association formula that is really so undefined that it is practically indistinguishable from full independence.

We must offer the people of Puerto Rico fair and realistic options that are clearly and fully defined. That being the case, I want to bring to the attention of this House a proposal that has recently been circulated in Washington and Puerto Rico.

This proposal calls for the development of the present status into a relationship of autonomy within the context of a Treaty of Union between Puerto Rico and the United States. It has been suggested by former Puerto Rico Senate and Popular Democratic Party President, Miguel Hernández Agosto. Many of you may know Senator Hernández Agosto as the person in charge of the pro-commonwealth party during the 1993 plebiscite which they won.

The Treaty of Union proposal has been endorsed or welcomed in Puerto Rico by prominent pro-commonwealth leaders like the Mayors of Ponce, Carolina, Caguas, San Juan and various other civic groups and legislators.

This proposal represents a fresh approach in the attempt to develop commonwealth into a fuller measure of self-government that is compatible with continued ties to the U.S.

This association would operate under a nation-to-nation agreement that will encapsulate, among others, the defense, common market, citizenship and currency provisions that are so relevant to both the U.S. and Puerto Rico. It also permits Puerto Rico to retain and affirm its distinct culture and linguistic identity.

I sincerely hope that if discussion on political status moves forward, Congress will have the opportunity to properly and seriously analyze this deserving and innovative approach.

AMENDMENT #4

(Autonomy Definition)

P. 12, Sec. 4: Strike out completely page 12 and in lieu thereof insert the following: A. Autonomy—if you agree, mark here

The people of Puerto Rico, in the exercise of its natural right, and of its free will as the source of all political power, do hereby establish an autonomous body politic in union with the United States of America under a treaty which cannot be altered unilaterally and subject to the following:

(1) Puerto Rico will control and determine its own nationality and citizenship, provided that the United States citizens born in Puerto Rico will retain such citizenship, unless they voluntarily renounce it, and will be entitled to the same rights and privileges as any other United States citizen.

(2) Puerto Rico will have the authority and responsibility for its internal and external affairs, including, but not limited to, language, olympic and diplomatic representation, customs, enter into agreements to foster its economic development by joining regional and international trade agreements. Puerto Rico may enter into tax-sparring agreements with other nations which may have an effect on its economy similar to the 936 provision of the U.S. Internal Revenue Code, recently abolished. The United States will encourage and support the participation of Puerto Rico in such regional and international organizations.

(3) The United States and Puerto Rico will exchange diplomatic representations and will maintain continuous and friendly consultations with the purpose of achieving concerted actions on foreign affairs.

(4) A common market will exist between Puerto Rico and the United States which would permit free flow of persons, goods, and services between both nations.

(5) The United States will maintain its authority and responsibility over defense matters. This would include:

(a) Responsibility for the defense of Puerto Rico and its people in the same manner as to the United States and its people.

(b) The United States, at its option, may deny or limit access of any foreign power of facilities in Puerto Rico.

(c) The United States, at its option, may own and maintain in Puerto Rico the military bases or installations presently operating in Puerto Rico under the terms of specific agreements.

(d) Any Additional needs will be considered and agreed upon on separate and specific accords.

(6) Except for property needed for defense purposes, all other property under Federal

Ownership will be transferred to Puerto Rico.

(7) The official U.S. currency will be the official currency of Puerto Rico and all Federal applicable laws are made part of the compact.

(8) With the purpose of assisting the government of Puerto Rico to promote the economic well being of its people and in recognition of the special present and future relations between Puerto Rico and the United States, the United States will provide a block grant in an amount at least equal to the amounts provided to the government of Puerto Rico. Individuals will maintain federal entitlements such as social security, veterans benefits, and others on the same basis as at present.

(9) Except for currency and defense, federal laws will cease to apply to Puerto Rico, unless otherwise agreed, effective on the date in which this compact becomes effective.

(10) Any dispute as to the interpretation of this compact which cannot be resolved by negotiation between the parties, can be referred by any party to a special Court on the U.S. Puerto Rico Compact, which will be created by separate agreements.

Comments: All the formulas should be free and independent one from the other, and not juxtapositioned one with the other as the case of independence and Free Association. The Free Association alternative should be defined in clearer terms, than what the bill does. If it is carefully studied, you will see that the independence and the statehood definitions, are spelled out, but Autonomy or Free Association is not. As the bill is at this moment, U.S. Citizenship is only featured in the statehood alternative as a way to obtain more votes in the possible Referendum. There is no legal restriction to feature U.S. Citizenship in Autonomy or Free Association; and, additionally, since Puerto Ricans have had the citizenship for the last 80 years and there has been no problems, we believe that the two alternatives should run on an equal footing.

CONGRATULATIONS TO DR. NANCY DICKEY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to briefly express my congratulations, encouragement and best wishes to Dr. Nancy Dickey of College Station, Texas, who in June, will take office as the first female president of the American Medical Association. The AMA is this country's most active, notable and influential group of physicians, a group that lends its expertise and experience to America's state and federal legislators, as well as our doctors and the families that they care for. I have always said that when shaping public policy dealing with medicine and health care reform, well-intentioned Members of Congress must hear the vital voices of our medical practitioners.

Mr. Speaker, Dr. Nancy Dickey has a long history with Congress of lending her expertise and experience to us as we have considered and deliberated on the important health care issues of the day. In addition to giving over 200 speeches addressing women's issues and encouraging more young women to pursue a career in medicine, she has testified at Congressional hearings at least 10 times.

She has traveled to the nation's capital to speak on the many various issues of health insurance and medical ethics, while maintaining a busy practice as a family physician and program director for the Brazos Valley Family Practice Program at Texas A&M University. Mr. Speaker, Dr. Dickey has displayed conviction and concern for the practicing of medicine, expending tremendous energy on every endeavor she undertakes. That is why I believe it is truly fitting that she will soon be sworn in as president of the AMA, since she will be able to use that energy to lead an organization of more than 700,000 of our country's most gifted and influential doctors.

Dr. Dickey hails from Watertown, South Dakota and is a resident of College Station, but her vision and passion encompass the entire country and reflects her commitment to represent all of America's doctors and address the problems and challenges that both doctors and patients face.

Mr. Speaker, in her youth, she faced the problems and challenges of a time when women were not encouraged to pursue the goal of entering medical school. She was once told by a high school counselor that she could not be both a doctor and a mother. I experienced the same subtle discouragement which actually steered me toward a nursing degree and not into medical school. However, Dr. Dickey chose to ignore the discouragement and focused even more on her goal and task at hand; entering medical school and successfully pursue a career in medicine. Those times for both of us have changed for the better, but she continues today to inspire other young women to enter the field.

Mr. Speaker, as a Registered Nurse who encourages young women to pursue a career in medicine, I am appreciative of Dr. Dickey's efforts in heightening the self-esteem of young women and encouraging them to pursue careers as doctors or any other profession.

Mr. Speaker, I believe her future as president, as well as the AMA's future, will be bright and successful. As she assumes leadership of the AMA, I am convinced that her tenacity, energy, expertise and sincere concern for her profession will benefit that organization, America's doctors and their patients. I congratulate her in advance as she prepares to take office in June, and I wish her the best of luck.

ANNETTE LANTOS PAYS TRIBUTE TO RAOUL WALLENBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. ACKERMAN. Mr. Speaker, Annette Lantos, the wife of our colleague Congressman TOM LANTOS of California has been a leading advocate for the Hungarian Holocaust hero, Raoul Wallenberg. Well before her husband was elected to Congress, Annette had established the International Free Wallenberg Committee to press Soviet authorities to release the Swedish humanitarian from prison. Much of the credit for bringing the tragic plight of Wallenberg to international and particularly to American consciousness has been the result of her work.

On February 8, Mr. Speaker, Annette Lantos delivered a Tribute to Raoul Wallenberg at a special meeting of the Sydney Australia, chapter of WIZO (Women's International Zionist Organization), the non-party voluntary charitable women's organization which is similar to the organization Hadassah here in the United States.

TRIBUTE TO RAOUL WALLENBERG

(By Annette Lantos)

Fifty-four years ago, on March 19, 1944, as the Nazi's campaign of terror and genocide finally overtook our native land of Hungary, a young idealistic Swede made his way to Budapest to interpose his own frail body between the Nazi war machine and the persecuted, unarmed thousands facing deportation and annihilation in Auschwitz.

By the time Raoul Wallenberg arrived to Budapest, 500,000 Jews from the Hungarian countryside had already been taken to Auschwitz where most perished. But Raoul Wallenberg's arrival to Budapest delayed the execution of the death sentence upon the remaining 300,000 Jews of the cities long enough to enable some 100,000 of them—including my husband Tom and myself—to survive. It is on their behalf, and behalf of their children and their grandchildren that my husband, Tom, and I have dedicated many years of our lives to make Wallenberg's story known, and to honor this great man.

When I began my work for Wallenberg in 1975, I had two goals in mind. First and foremost, I wanted to free him from the horrors of the Gulag where he was languishing—by that time for over 30 years. The second goal was to make Raoul Wallenberg's life and accomplishments penetrate the consciousness of mankind and to inspire all those who are touched by his story to become better, more unselfish, more caring human beings, willing to transcend the barriers of race, religion, or nationality in their concern for others.

Raoul Wallenberg taught us two major things. First, he taught us that a single individual committed to a noble goal can achieve miracles. Second, he taught us that human rights are indivisible, that it is not enough just to be concerned simply with our own human rights.

As Jews or Catholics, Australians of Hungarians or Americans, the only relevant concern for human rights that deserves respect is a concern that transcends religion and race and color and national origin. Raoul Wallenberg did not go to Budapest in 1944 to save Lutheran Swedes. He went there to save Hungarian Jews, with whom he had nothing in common except his common humanity. Raoul Wallenberg not only fought evil, but he also fought indifference, and indifference is the twin of evil. Those who kill are murderers, but those who stand by and do nothing in the face of murder share a complicity in crime. Wallenberg's message was loud and clear. We must fight evil, but just as hard we must fight indifference.

Most of you have heard the story of Wallenberg. He started out issuing Swedish passports to all who managed to reach him at the Swedish legation in Budapest. He brilliantly negotiated with the Nazis and later the Arrow Cross gangsters (Hungarian Fascists) who ran Hungary in the final few months of the German occupation, until they recognized the validity of these fictional documents and exempted their owners

from deportation and having to wear the yellow star.

He bought or leased 32 large apartment houses and succeeded in declaring them Swedish territory in Hungary. Thousands of people were crowded into these protected houses, many of whom he brought back personally from the forced marches heading toward the death camps. He rushed the saved persons to the protected Swedish houses in Budapest. He even brought people back from the railroad cars, pulling them out of deportation trains, and from the banks of the Danube river. He interposed his own body between the fallen victims and the machine guns that were leveled at them by the Arrow Cross guards.

When the Russians finally liberated Budapest in January 1945, he believed he was finally safe, and went to their headquarters to report and ask for food and medicine for the surviving victims. The Soviets didn't believe his story. They were convinced that he was an American spy. They kidnaped him on January 17, 1945, and he languished in the Soviet Gulag until 1981, when I personally believe that he finally died still in a Soviet prison.

Even today, people ask me whether I think Raoul Wallenberg still lives. I personally do not believe that he is physically alive anymore, but I do believe that in the spiritual sense Wallenberg is more alive than most of us who are still around living our ordinary, day-to-day lives.

He is more alive than most of us, because of what he has done. He not only saved lives, but he saved our faith in humanity. He continues every day to touch the lives of thousands of young people the world over, who, hearing or reading his story, testify that they have been inspired to become better human beings and to dedicate themselves to fight for the right of others who are still persecuted and oppressed all over the world.

I would like to share with you tonight the writing of one of these young people who has been inspired by Wallenberg. The letter I am about to read to you was written by my granddaughter Chelsea Swett at age 10, on the occasion of the dedication of the US Holocaust Memorial Museum in Washington, DC. This truly magnificent museum, a considerable portion of which was paid for by successful Holocaust survivors in America, is not only a memorial to honor those who were consumed in the flames of the Holocaust, but it is intended as a warning to future generations of Americans of the consequences of unbridled racism, religious intolerance and national hatreds.

The exhibits at the Holocaust Museum not only highlight the brutality and callous disregard for human life, but they also reflect the occasional heroic willingness of non-Jews to risk their lives in order to save another fellow human being. I am also very grateful that we succeeded in passing an Act of Congress to rename the street upon which the U.S. Holocaust Museum is located as Raoul Wallenberg Place.

It is most significant that in addition to the permanent exhibition at the museum there is a special exhibit entitled "Remember the Children," which commemorates the more than one million children who died in the Holocaust. This special exhibit also provides a presentation aimed at children so that they can understand the experience of children who suffered in the Holocaust. It is in connection with the special exhibit "Remember the Children" on the occasion of the dedication of the U.S. Holocaust Museum that my granddaughter Chelsea read the following letter:

DEAR MR. RAOUL WALLENBERG: I have wanted to write you a letter for a long time. My grandparents told about you all the time. They tell me stories about how you saved hundreds of thousands of people in Hungary from the Nazis and their concentration camps.

You are a hero. Sometimes I think and wonder what happened to you. Grandfather says that it has been almost fifty years since anyone has heard from you. Still, no one can forget what you did and how brave you were.

My grandparents told me that you were very shy and modest. I can't believe that you were ever shy. My grandparents have told me how tough and strong you were against the Nazis. They said that, representing Sweden, you would walk up to people on their way to the camps and with a handful of fake passports, you would hand them out and say, "Of course you're Swedish. Here's your passport," and you'd take them away to safety. You had houses where you would hide these people and they were safe because you flew the Swedish flag over the homes. My grandparents said that you even went onto the death trains and pulled people into safety. Most of all you are my hero because you saved my grandparents. You gave my grandfather a passport so he could escape the Nazis in Hungary. My grandfather is now a Congressman in the United States and he will never forget what you did for him and thousands of others. He worked to pass a law in Congress saying that you are an honorary citizen of the United States. My grandmother also escaped from Hungary with a Portuguese passport. She, along with my mom, organized a committee to find you after you disappeared. After a long time of looking hard, they still could not find you.

That is why you are a hero to me. That is why you are a hero to so many others. You stood up to the Nazis and did what was right. You saved thousands of lives because you were brave and courageous. Now, a museum for the Holocaust is being dedicated in Washington, DC and it is on a street named for you, Raoul Wallenberg Drive.

There are so many of us who owe so much to you. For all of us, I say thank you for all you did. Thank you.

Your friend,

Chelsea Swett

Some rescuers risked their lives for an hour, some for the duration of the war. Some save one life, others saved thousands. What all the rescuers have in common, and what their message and legacy is to all of us was their inability to avert their eyes to the tragedy of others.

Tom and I have tried personally to carry on this legacy of Wallenberg through the creation of an organization called the Congressional Human Rights Caucus. It is a totally non-partisan organization. Democrats and Republicans work shoulder to shoulder to accomplish its purposes. It has one single goal, to make Wallenberg's message a reality globally. The congressional Human Rights Caucus fights for human rights, wherever human rights are abased.

We try to implement daily Wallenberg's message that human rights are indivisible. We fight for the right of Christians to practice their religion in China and Africa; we fight for the Jews in Syria; we fight for the rights of Tibetans to retain their culture and religion in Tibet; we fought for the rights of ethnic Hungarians in Transylvania; we fight for the Ba'hai in Iran so that the Ayatollah cannot succeed in crushing that peaceful, gentle people.

It is not an accident that in the entire history of the United States that the two men have been honored by the U.S. Congress with honorary American Citizenship—Sir Winston Churchill and Raoul Wallenberg. These two men represent the two great ideals of our century. Churchill, the champion of freedom and democracy, and Wallenberg, the champion of human rights.

I suspect that as time goes on the scope, the heroism and the depth of these two giants will increasingly penetrate the world, and future generations will see their timeless ideals fulfilled in their own lives. Long after all of us here in this room are gone, long after the sound and fury of this twentieth century have been relegated to the garbage heaps of history, the ideals and the memory of Raoul Wallenberg will live on. He will live on to teach future generations what I think is the single most important lesson of human history—that in order to survive, in order to create more livable condition in this world, we must accept the responsibility of becoming our brothers' and our sisters' keepers. This is the meaning of Wallenberg's legacy, and this is the meaning of our struggle for human rights across the globe.

TRIBUTE TO ANNA DEMARTINO

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I congratulate and honor Anna DeMartino of Melverne, New York who received The 1998 Prudential Spirit of Community Award. Anna attained her exemplary recognition for her fundraising campaign at school for a family affected by domestic violence. With the money raised, Anna purchased winter gloves, hats, toys and stuffed animals, and wrapped them herself. She delivered the goods to a local domestic violence coalition who, in turn, distributed the contributions to a family adversely touched by domestic violence.

Despite statistics that indicate Americans are less involved in their communities now than previously, it is vital we encourage and support the kind of selfless contributions such as Anna DeMartino. We must all think how we can ensure the health and vitality of our communities. Young volunteers like Anna provide inspiring examples.

Anna DeMartino should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Anna for her selfless initiative and contribution to the community. She demonstrated a level of commitment and accomplishment truly extraordinary in today's world, and deserves our sincere admiration and respect. Anna demonstrates that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

PRESIDENT CLINTON'S OBJECTION TO THE TAX CODE SUNSET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PACKARD. Mr. Speaker, yesterday President Clinton announced his objection to Congress' proposal to terminate the tax code by the end of the year 2001. I would like to take this opportunity to voice my disappointment in the President's decision to reject our legislation.

The tax code represents governmental arrogance at it highest level—in punishes the right things and rewards the wrong things. We need to enact tax reform and put more money back into the hands of taxpayers.

Improving the quality of life in America begins with letting families keep more of what they earn. In the last half-century alone, the federal government's take from families has skyrocketed from only five percent to over twenty-four. Add taxes at the state and local level, and nearly half a family's take home pay is spent just to keep government bureaucracies running. Mr. Speaker, lowering taxes returns power to where it rightfully belongs—out of the hands of government and into the homes of families.

In his decision to object to the solution that we put on the table, President Clinton defended the status quo, a 10,000 page tax code that few can decipher and many agree is unfair. This code must be replaced, and setting a deadline on the current system is the right place to start. Mr. Speaker, I urge my colleagues to stand strong in the wake of the President's objection to our plan to sunset the tax code.

ASIAN AMERICANS—A STRENGTH FOR AMERICA

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to voice my disapproval with the unfair and inaccurate references and implications that certain politicians and members of the media have made regarding the Asian-American community's involvement in our political system. Specifically, I take issue with the manner in which some elected officials and members of the press have created a climate of suspicion surrounding the role that Asian-Americans played during the 1996 election cycle.

As an elected official, I am troubled by the reports of potentially unlawful fundraising activities that may have been conducted during the 1996 presidential campaign. Congress must thoroughly review the allegations that have surfaced concerning the alleged fundraising violations, but in a manner that neither questions nor attacks the integrity of any ethnic, racial or religious group living in this country. If Congress finds that an individual or individuals broke federal campaign laws, then the offender or offenders should be punished. But neither Congress nor the media should suggest, nor allow for it to be implied, that an entire community of people is responsible for the improprieties of a few individuals.

With the publicity surrounding those contributors alleged to have given money improperly, the legitimate, appropriate and positive political activity of the Asian-American community has become obscured. The many Asian-Americans that I know and consider to be my friends are active in their communities and are as committed to improving the quality of life for their families and their children as any other group of Americans. In fact, the 1996 campaign proved that the Asian-American community's participation in the political process is growing. Asian-American civil rights and community groups organized an unprecedented nationwide naturalization drive to ensure that eligible individuals became citizens and exercised their full contributional rights. Community leaders encouraged people to speak out about important issues, vote in record numbers, and run for office. This is the kind of participation that, as Americans, we should welcome and encourage, particularly from a community that was effectively silenced by one of this country's most ignoble acts of legislation, the 1884 Chinese Exclusion Act.

Unfortunately, the racial accusations that have come to eclipse the genuine issue of campaign finance reform have created an atmosphere of fear and anxiety among politically active Asian-Americans. We cannot afford, Mr. Speaker, to again silence the voice of this still underrepresented community. Nor can we afford to ignore the positive contributions and electoral accomplishments of Asian-Americans in this country. Advances are being made in science, education and government thanks to the efforts of this community. And just last year in Washington state, Gary Locke, the son of Chinese immigrants, became the first person of Asian descent to win a governorship on the continental United States.

In conclusion, Mr. Speaker, I urge members of the media, the political arena and the public to keep their focus on the real task at hand—to determine how we can prevent campaign fundraising scandals from ever happening again. I realize that we all would like to bring to justice anyone who has knowingly and willingly broken our laws. But we cannot allow the integrity of the Asian-American community to be sacrifices in the name of a misguided pursuit of justice. Asian-Americans have proven themselves exemplary citizens and deserving participants in the American democratic process.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KIND. Mr. Speaker, as we begin work this week, the week after the Senate failed to pass campaign finance reform legislation, many in the media are proclaiming campaign finance reform dead. I disagree, there is still a chance if the House of Representatives passes our own bill. I hope Mr. Speaker that you do not use the vote in the Senate as an excuse for failing to act in this House.

A majority of the Senate supported the McCain-Feingold campaign reform bill. A majority of the members of the House, as judged by those who have signed on to campaign reform legislation, support campaign finance reform. The will of the majority in the Senate was denied because of Senate rules which requires 60 votes to end debate and pass a bill. The only way the will of the majority in the House can be denied is by your failing to schedule a vote on this issue.

We have been promised a vote on campaign finance reform before the end of March. The people of this nation have demanded that we act to clean up our broken election system. They will be watching to insure that the vote this month is a fair vote without poison pills. Mr. Speaker the people of my district refuse to take "no" for an answer. Do not let them down by denying the will of the majority.

BEST WISHES TO JAMES R. ADAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join the employees of Texas Instruments, Inc. in honoring and congratulating James R. Adams on his upcoming retirement on April 16, 1998 following the company's annual meeting of stockholders. Mr. Adams is currently Chairman of the Board of Directors, and while he will remain a director of the company and serve on various boards, his direction and leadership in the capacity of chairman will be missed. He is deserving of this retirement, which will actually be his second. Originally, Mr. Adams came out of retirement in June 1996 to serve as TI Chairman following the untimely death of Jerry R. Junkins, who had been TI's chairman, president and CEO since 1985.

Under Mr. Adams' leadership and vision, TI was formed into a more successful company for the future, specializing in digital signal processing solutions, the fastest-growing segment of the semiconductor industry. During Mr. Adams' tenure, TI's digital signal processor and mixed-signal/analog revenues almost doubled over the past two years, improving TI's financial performance and increasing shareholder profits.

However, as Chairman, Mr. Adams was just as focused in having TI serve its surrounding community as he was focused in have the company increase its financial earnings. I know Jim Adams as someone who made sure that his company had a civic duty and responsibility of contributing and volunteerism in the community. He knew that a company should invest in students and schools in addition to investing in stocks and semiconductors. While ensuring this his company knew the benefits and good business of assisting education, he commits his personal time in doing the same, as a member of the Baylor University Hankamer School of Business Advisory Board,

the University of Texas Engineering School Advisory Council and the Texas A&M Capital Campaign Steering Committee. As his successor, Mr. Thomas Engibous acknowledged; "His experience, counsel and outreach to the community have contributed significantly to the new realization of the new TI." Because of that outreach, he made TI, not only a corporate giant, but one with a giant care and concern for the community.

Before his association with TI, Mr. Adams had an extensive career in the telecommunications industry. He joined Southwestern Bell Telephone Company in 1965, the same year he earned his MBA in statistics and business finance from the University of Texas at Austin. He began his career as a computer supervisor in San Antonio, and, after holding many influential positions throughout the country with Southwestern Bell and AT&T, he became president of Southwestern Bell in 1988.

Mr. Speaker, in addition to those active professional tasks, Jim finds the time to participate in many activities in business, government, civic affairs and education, most notably serving on the board of the Dallas Citizens Council, the Telecom Corridor Technology Business Council and the Dallas Symphony Association.

I wish Jim the best of luck as, once again, he embarks on a new phase of his life in the form of retirement. I hope that this time, he gives himself an official retirement after a lifetime of achievement for Texas Instruments and the greater Dallas community.

OPPOSING THE PLANNED MERGER OF MCI COMMUNICATIONS AND WORLDCOM

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. BROWN of Florida. Mr. Speaker, on January 5, 1998, the Reverend Jesse L. Jackson, Sr., and the Rainbow/PUSH Coalition filed comments with the Federal Communications Commission (FCC) in Washington, opposing the planned merger of MCI Communications and WorldCom. The Communications Workers of America, AFL–CIO (CWA) also opposed the merger, but this was not well covered by the mainstream media.

It seems to me, Mr. Speaker, that the points which Reverend Jackson and the CWA have raised with the FCC deserve serious consideration and debate. At $48 billion, this will be the largest corporate merger in this Nation's history. It involves two companies which have historically opposed the right of their workers to organize and belong to labor unions. It also involves two companies which historically have limited their investment in many of our Nation's under-served communities.

In February 1996, President Clinton called for the American telecommunications industry to expand its capital investment, to expand its hiring, and to expand its efforts to build a stronger, more connected America.

Since then, MCI and WorldCom have channeled virtually all of their investment to serving business and upper income communities. They have made no investment in America's inner cities. In fact, when you look at the leadership of these two massive companies, Mr. Speaker, it reflects virtually none of today's rich American tapestry of diversity.

Only one of 14 members of the MCI board of directors is not of European American descent, and WorldCom's board of directors is the only major telecommunications company in the U.S. whose board of directors is made up of only white men, with no race or gender diversity.

Mr. Speaker, we all hear and read about how these giant corporate mergers are going to help, but how will they help issues of job creation and greater opportunities for All Americans?

I would like to commend Reverend Jackson for addressing this important issue.

ADDRESS OF SPEAKER GINGRICH TO THE WASHINGTON STATE LEGISLATURE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. DUNN. Mr. Speaker, on January 13, 1998 House Speaker Newt Gingrich addressed a Joint Session of the Washington State Legislature in my home State of Washington. In his remarks, he suggested four goals for the country. First, that we as a society focus on being drug-free. Second, that we need to emphasize education and learning. Third, that we should talk about rethinking retirement. And fourth, that we ought to reduce the total amount of taxes the citizens owe their government. Mr. Speaker, these are noble goals.

I am delighted to be here. Let me start by saying to all of you, we share a common future, that it is important to build better abilities to communicate, and we are working very hard, both with the governors and with the leaders of state legislatures, to learn how to share what works, what does not work, what the federal government is doing right, what it is doing wrong, and whether we have a common, general direction we are trying to go in. To recognize, in a country our size, that there is an enormous difference between Washington, D.C. and the state of Washington, just as there is an enormous difference between Washington, D.C. and Georgia.

And so, how do we have a common, general direction while maximizing our decentralization, maximizing local leadership and maximizing local initiatives? I want to share with you, for a few minutes if I could this morning, what we have done and where we were going. But frankly, it is exciting to me to see what you have done. You have implemented Welfare Reform in a very practical way. You have begun to take advantage of the opportunity to help people move out of poverty and into work, in what I think is a very, very important step in the right direction. You are working on Education Reform in a way that is very practical, and which is going to increase the chance of learning for all the children of this state. You recognize how much your state is connected to the world market, whether it is through Boeing or Microsoft or Weyerhaeuser or wheat farming; that, in fact, what happens in Jacarta does matter in Spokane and Seattle and Olympia and across the whole state.

We are, in a sense, entering a new era together. In the Capitol, in Washington, we tried to reach out. Let me say, first of all, I think the Western Governors' University is a very exciting project. I commend all of you who have voted to have your state participate in it; the notion that you are really now becoming pioneers for the whole country, in telecommunications, in the use of distance learning, and in making available to all citizens across an eight-state region an opportunity to share educational resources. That is a very important development, and it is ultimately going to allow you to lead, not just the United States but the entire world as people tie in and then learn from these experiences.

I also have to say that the Western States Coalition that Speaker Ballard talked about, I found last summer to be very helpful. We brought a number of eastern members out, and as you know, the West is different. It is bigger. It is more complex. In some parts of the West, water problems are dramatically different. We in Georgia never quite experience the same water situation as in Eastern Washington. We are in a situation where we have a huge surplus of water most of the time. We do not understand Western water laws compared to Eastern law.

To be in situations where we can look at the coming together of modern urban civilization, because in every Western state there are urban areas, and in fact, some of the Western states are more urbanized than some of the Eastern states in terms of the way people are, to look at that next to the environmental concerns, next to the agricultural, mining and forest concerns, to see it first hand, is important. I have already told the Speaker that I will be back, hopefully, in August for a visit to Washington state to look at the Columbia River Basin, to look at other concerns, and to get a better briefing on the issues that matter. And also to fly to Alaska, and look at our largest state and what their unique concerns are.

I commend those legislative and other leaders who began to develop a Western state coalition to talk through what we should do at the federal level to increase flexibility within a framework of still getting to a common, general direction. I think the information age, with Microsoft and many other developments here is going to give us some opportunities that are enormous. I think the world market gives us opportunities that are enormous. And as the state that houses our most successful exporter of manufactured goods, Boeing, you know how important the world market is. But I think they also offer us opportunities to work together.

One of the things I hope to do is to introduce the spirit of Peter Drucker and Edwards Demming into the whole way we think about government. Peter Drucker is the leading management consultant of the Twentieth Century, and Edwards Demming developed the concept of quality and taught that concept to the Japanese. In fact, the prize for the best company in Japan is the Demming Prize. They are really talking about a way of thinking that is a powerful, information age modernization over the bureaucratic model we have all inherited at every level. From school board, to city council, to county commission, to state government, to federal government, we have a model of structures that needs to be thoroughly rethought.

I will give you a simple example. I know this is true in Georgia; I will let you decide

if it is true in Washington. My wife, Marianne, went to spend $15 last fall. She did not go to a place like Nordstroms because she waited in line an hour and a half. She was not buying Beanie Babies or some fad that justifies that. She was getting her driver's license.

I suggest to you that you have two clocks in your head. You have been acculturated to have these two clocks. One clock has a second hand and you use it every time you go into the private sector facility. When you go to McDonald's, when you go to a department store, when you stand waiting to be served, there is a second hand which you watch prior to getting impatient. The second clock has fifteen-minute increments and you use it when you walk into public buildings. You will inherently wait longer and be less impatient. Now, in both experiences you are paying money. In one case, it is taken from you in taxes and in the other case it is voluntary. You are a customer in both cases. But we have allowed, over the last 50 years, the private sector to modernize, to rethink what it is doing, to maximize its customer orientation, while allowing the public sector to find excuse after excuse to avoid rethinking its development.

Part of what I hope we can do together is think through what a Twentieth Century information age, customer-oriented model of governance would look like? How would you design it? How would you staff it? How would you reward people who were effective, and retrain people who were ineffective? Or dismiss them if they refuse to learn? And how can we think that process through so that people 20 years from now have the same expectation of efficiency, customer orientation and modern performance out of the public sector that they have out of the private sector? And that would lead to a revolution in the structure of our governments.

I think it has to be done together because the truth is, and this is a message I have for every state legislature as well county commissions, school boards and city councils, there are things we do in Washington, D.C. which make it harder for you in Washington state to be effective. One of the things I would encourage you to do is to identify in literally every one of your legislative committees, and report back to us, those things we should change which are stopping you from modernizing the government of the state of Washington. I think I can speak for all three of the members here with me today—for Jennifer Dunn, who is now the highest-ranking elected woman legislator in the U.S. Congress as the vice-chair of our conference; for George Nethercutt, who is doing a tremendous job on the Appropriations Committee; for Linda Smith, who has been working very, very hard on reform issues—I think they would say the whole delegation is prepared to try to serve as a bridge to come back and say to us, "The following 37 laws are pretty dumb. The following 600 regulations do not work. The following micro-management is making it impossible to reform."

I want to extend to you an open door, to say we would like to learn from you, at the grass roots, what you are experiencing that you think makes it harder for you to do the job for the people of the state of Washington.

We have had an impact in the Congress. When we were sworn in in January of 1995, the Congressional Budget Office was projecting a $320 billion deficit for the year 2002. They are now projecting a $32 billion surplus. Now you are legislators. I would suggest to you that any legislative body which, in three years, can move a system from a $320 billion deficit to a $32 billion surplus has begun a process of fairly dramatic change. Some of that was the economy. But we also saved $600 billion in entitlements, we passed Welfare Reform which, as you know, has had a dramatic impact. In New York state alone there are 509,000 fewer people on welfare today than there were three years ago. They have moved from the public sector, where they were taking money from the taxpayer, to the private sector where they are paying taxes. It has been a major factor on what has happened with the budget turnaround.

Because we are committed to a balanced budget, we have lowered interest rates by at least two percentage points over what they would have been otherwise. That has had a huge effect on farming, or purchasing cars and buying houses, on paying off student loans, and on all the different things people pay interest on, including what governments pay in interest.

We think we have begun. But we have a lot to do, and a long way to go. I want to propose to you that there are four major goals, lots of things we need to do together. I could talk today about the ICE T bill in transportation, because I know it is an important issue. I could talk about a wide range of issues that matter. But I want to focus on four today. Although, before I do, I do want to commend you for your rainy day fund. I was calculating based on the size of your budget; if we had a comparable rainy day fund, it would be about $90 billion. I will let you imagine a Washington, D.C. that would allow $90 billion to sit there without having approximately $400 billion of new ideas! But I do commend you because it is the right direction and it is the way we should be moving.

I want to suggest four goals to you. First, that we become a society that focuses on being drug-free and, therefore with dramatically less violence. Second, as you are already doing, we really emphasize education and learning. Third, we have now come to a point in our history where we should talk about rethinking retirement. And fourth, that we ought to talk openly about what is the total amount of taxes the citizens should owe their government in a peacetime environment. Let me briefly talk about each. Let me be candid and say these will only work in collaboration. They will only work if we work together.

I think the number one goal we should establish is to break the back of the drug trade and the back of the drug culture. To insist that our children deserve to live in a drug-free society where they are not threatened with addiction and where they are not threatened physically. I believe, as a historian, we can do it. We have done it before. We did it in the 1920's. Other countries have done it. It is a matter of willpower, focus, resources and management.

I came today to ask you and your governor to work together to tell us, from the state of Washington, what you need from the federal government as your highest priority to enable you to have a drug-free Washington state. What do we have to do to do our share of the job? And then ask you to do your share of the job and make a genuine commitment.

I will just give you one specific statistic that I find staggering. If you are a woman, you are 27 times more likely to be killed if you are in a home with hard drugs than if you are in a drug-free home. Not 27 percent, but 27 times. That is 2700 percent more likely to be killed. And when we talk about violence in America, I do not think we can talk about the future without realizing how much of that is tied to drugs. We realize that in New York City alone, there are 32 drug-addicted babies born every week. The human and financial cost of not taking on drugs is horrendous.

We are challenging General McCaffrey to produce a World War II-style victory plan. I think we need a decisive, sharp, two- or three-year effort to break the back of the drug culture, to make it too expensive to use drugs. And to recognize that the problem is not in Colombia. The problem is not in Mexico. The problem is in the streets, the neighborhoods and the schools of America, and in the professional sports of America and among some of the rock stars of America. If we are not buying it, they are not going to be shipping it. We have an obligation to start in America to win the war on drugs—to be the model country for everyone else, to not just lecture Mexicans and Colombians on what we wish they would do because we do not have the guts to do it here at home.

If you will let us know, whether by resolution, by report, or by letter, what we need to do to help you win the war in the state of Washington, and if we can get every state legislature engaged and every state government engaged, I truly believe, in three or four years, we will be a drug-free country. And I can imagine nothing, nothing that will do more for children's health than to be able to win the war on drugs and save them from that kind of a future.

Second, I want to pledge to you our commitment to work with you on Education Reform. I want to draw one distinction between education and learning. I think we want the best education system in the world, and I think we want the best system of learning in the world. They are not necessarily the same. Here again, I want to thank Microsoft, where I will be spending part of the afternoon studying. We have an education system that is teach-focused. A learning system is student-focused.

We have the potential in the next decade to build a seven-day-a-week, 24-hour-a-day learning system available for a lifetime, which you can access from anywhere at anytime at your convenience and learn as much as you are capable of learning. We should make it a national goal to really encourage the development of that kind of learning system. To some extent, your Western State Governors' University is a step in the direction, but we are only scratching the surface. We have the potential for everyone to learn, and to do it at their convenience. Now, this is not a panacea. It is not a replacement for an education system. But it is an important enhancer, and it will allow us to leapfrog, not catch up, not match up with, but leapfrog the Japanese, Germans and others in providing the best system of learning in the world, which is essential if we were going to have the best economic competition in the world. Because, if you do not have good learning in the information age, you cannot produce the technology you need in order to have the best jobs in the world. So this is vital to our entire future.

In addition, we need the best education system. I favor scholarships, so that in really bad neighborhoods parents have the right to choose. But this is not going to solve the problem. Most children in America are going to learn in public schools for the rest of their lifetimes. I am a product of public schools. My wife is a product of public schools. Both of our daughters went to public school. I taught part-time when I was a college teacher. I also taught in the public high school.

Most schools do pretty well. But every one of you knows that there are some schools in this state you would not send your children to, just as you know there are some schools in my state that I would not send my children to.

And here is the test for us. We say in our Declaration of Independence that we are endowed by our Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. We have to take that passionately and apply it to education reform. This means that every child of every ethnic background in every neighborhood has been endowed by God with the right to pursue happiness. In the information age, if you are not learning how to read and write, and you are not getting an education, you are more likely to go to prison than to go to college, and you are not being given the true opportunity to pursue happiness. I think that is how we ought to approach education reform.

We ought to say first of all to a school system, let us start writing into the contract that if your school is in the bottom 20 percent in scoring, the contract does not apply any more, as of that date. Not "Let us slowly modify tenure." Not "Let us have a study commission." You would not leave your children in those schools. We have too many of our friends who are very big passionate supporters of the worst public schools, but their kids go to private school. We have too many teachers who pay the union dues and they want to make sure that we do not reform public schools; but their children go to private school. There are some big city systems where 40 percent of the public school teachers send their children to private school because they know better. We have an obligation to be passionate about this. Winston Churchill had a phrase for World War II. He would pass a note that said, "Action this day." This should be our attitude across the board to the system.

I want to suggest three reforms that are very specific. Two of them we are not going to do at the federal level, one we have to. But I am here as a citizen sharing ideas; I am not here to say we are going mandate any.

I do want to suggest as a general principle that we should have a passionate, deep commitment to every child in American learning how to read by end of the fourth grade. We should focus overwhelmingly on learning how to read and write in the fourth grade. I am going to be very direct: we should learn how to read and write in English, because that is the commercial language of the United States, and they are having their future crippled if they cannot read and write by the fourth grade.

Second, I think that the federal government should modify the bilingual education law to make it local option. You at the state level and the school boards at the local level should have the right to decide for your children what is the most effective way to make sure that they are capable of reading and writing in English at the earliest possible time.

And third, I would really like to suggest you consider, and I say this upon the state with some trepidation, but I would like you to consider mandating that, once a year, at every grade level, a day be spent looking at the Declaration of Independence and the Constitution. I say this for two reasons. First, as a historian, I actually think it is kind of good for Americans to learn how they became American. We are multi-ethnic, but we are one civilization. We are bound together by this thing of being American. We signed a contract with ourselves. We the people of the United States, we issued a declaration that says "we hold these truths to be self-evident." And if our citizens do not grow up learning these things, how can we expect America to continue?

But secondly, the Declaration says, "We are endowed by our Creator . . ." Now, I want to see the ACLU lawsuit that explains why the teacher cannot explain what the Founding Fathers meant when they used the word "Creator". I think it would be a very edifying moment in American history.

America is radically different than Europe. In the European model, power went from God to the king and was loaned to the citizens. This is why Brussels is worse than the IRS. In the European model, the citizen only has those rights loaned to them by the state. In the American model, from our opening date of our first document, we said power goes from God to the citizen, and you loan it back to the government. It is a very different model. And I just think if we spent one day a year from the first grade to twelfth grade studying that model, coming into contact with the great people who created this country, we would be a healthier country. We would be a country with a better sense of where our rights come from. We would be a country with a more serious sense of why being a citizen matters. And so I want to commend that to you.

Our third goal is to look at retirement. A lot of that is federal. But I also have a proposal that I think you will find interesting at the state level. And this is very simple. We are moving from 60 years of deficit spending. We were about to move to a generation of surpluses. This is not like 1969, the last surplus. We had lots of deficits, one year of surplus, and then lots of deficits. If we were disciplined in Washington, and if we avoid war, we will be in a position to have twenty or thirty years of surpluses.

This gives us for the first time a chance to talk seriously about retirement, to recognize that Social Security is a very powerful and tremendous system developed in 1925 when there were no computers. But Social Security is neither personal nor modern. In fact, in one study that Congressman Mark Sandford of South Carolina put out, he looked at his 20-year-old son. He said "You know, Einstein was asked, 'What is the most powerful thing in the universe?' And he said, 'Compound interest.'" If you simply take the FICA tax a 20-year-old will pay today and invest their FICA tax over their lifetime, in an average market basket investment, not buying Microsoft when it is young, but an average market basket investment, they will make $975,000 for their retirement. If you give them the current government payment, they will make $175,000. So, we are condemning 20-year-olds to lose $800,000 by the way we have designed the system.

I am proposing a National Commission on Retirement, made up of one-third baby boomers, one-third older than baby boomers, and one-third younger than baby boomers. I suggest to my colleagues in the House and Senate that they set up a citizens committee in their district tied in by the Internet to the National Commission. I think we ought to look at the totality, because I believe that by using a good part of the surpluses intelligently, we can make the transition to a personal, modern social security system, tied into the development of better pensions and tied into the development of better savings. And we can leave our children and grandchildren a dramatically better retirement in a much wealthier country with a much higher savings rate with much lower interest rates and much more capital investment. And that is a much healthier America in the future.

And I know it takes some courage for elected officials to raise the issue, but I just think we are at a magic moment of transition. I believe the grandparents, as long as they are secure in getting the current system, will want their grandchildren to have the best possible future. And I believe we can have an honest, adult, dialogue about this without the kind of mudslinging and the kind of 30-second commercials that so badly weaken our political structures. So, I encourage you to look at it, to offer us advice, but I also encourage you to look at the state program. I do not know the details of your program, but I will tell you that Michigan has now adopted a new, personal pension system that vests within two years, where the new employees are controlling their own money in a way that is a very dramatic departure from the way we have done pensions in the last 60 years.

Finally, I want to ask a very touchy question, and you are the first group of legislators I have done this with. So I will be very curious to see your reaction after I leave and you no longer have to be polite because I am around. I want to raise a serious question: In peacetime, in a free society, how much should your government be allowed to take from you?

I was fascinated when I read Paul Johnson's new History of the American People. He is a former socialist in Britain turned conservative and he has written a wonderful history of the American people. And he said that in 1775, we were probably the lowest-taxed people in the history of the world and we hated every penny. And he said we were so grateful that we were so low-taxed as to say, "How come you need this?" And the part about how much freedom, in part, is a function of how much time you have. How much money do you have? Not how much does your government have to give to you. How much do you have? And it turns out that when you study it that the American people said for forty years that they believe, in peacetime, the most their government should take from them is 25 percent. We currently—federal, state and local—take 38.

And what I would like to propose is that we set a goal over the next ten to fifteen years to get to 25 percent taxation. The feds currently take about 22 percent. I propose we go down to 14 percent. So we lose 8 percent. State and local currently takes about 16 percent, I propose state and local goes down to about 11 percent. So we will drop by more than you will have to drop. But, I think it is fair for you to come back to us and say, "Fine, how about block-granting education money rather than having 700 little programs? How about dropping this kinds of red tape?" I think it is a two-way dialogue.

But, if we take Demming and Drucker; if we are prepared to prioritize, modernize, downsize and privatize, we can create, over the next ten to fifteen years, a country where people have more take-home pay, a better retirement system, a lifetime learning system, and an education system that either works or is changed rapidly when it starts to fail. People will be competitive in the world market, having the highest technology and the greatest entrepreneurship to produce the best goods, giving us the highest incomes with the greatest economic security and the capacity to lead the world.

Yes, this is big. Yes, it is a lot. But, frankly, the Contract With America was pretty

different when we started and I am very proud that at the key moment in the fall of 1994, we bought a two-page ad in TV Guide that did not attack anybody, did not have any pictures. It just said, "You hire us and we will try to do these ten things." And I think the time has come as citizens, across the board in both parties, to talk about for the next generation, "What are the goals worth doing? Let us work together to do it."

I accept fully the responsibility today that I have come here and said, you come up with ideas on the drug war; we have to listen to you and at least try to help. You come up with what we need to do to get out of your way in education; we have an obligation to listen and try to help. You tell us what we are doing wrong about pensions that make your job harder, let us know. And you tell us how you think we should change federal pension law. It would be very helpful and we would listen to you.

And finally, if we are going to get there together, we have an obligation both to shrink the federal government and to shrink the burden the federal government imposes on you. But, I think for our citizens, the America I just described would be a vastly better place.

And let me just close with this thought. Every time I come out here, I have to tell you, I just love coming to this state. I think part of it relates to the fact that I was here—some of you will be able to identify this—a few years ago on a stopover and went down to the fish market and bought a geoduck and took it to my mother-in-law, who promptly chopped it up and made stew out of it. I have to say, also, that I just brought back a very wonderful salmon that they identified with much more immediately and ate immediately.

But, it is a fabulous state. You sort of have this sense, I always have this sense, when I come here what Lewis and Clark must have felt. As an easterner, when I fly in and look out at Mt. Rainier, when I look at Puget Sound, when I see the weather, even on rare days like yesterday—again, for a Georgian, it was very exciting—I think we lose, sometimes, the romanticism of what this country is about. This country is a romance. This country has the most magical way of saying to the whole planet, "I do not care what your background is, I do not care what your religion is, I do not care what your ethnicity is. If you have a big enough dream and you are willing to pursue it, come to America and try it out." And the result has been to put together the most exciting opportunities for people in the history of the world.

This is a great country filled with good people and given a chance to achieve remarkable things. I believe we can work together in a partnership—not us dictating to you—but in a partnership. And we can give our children and grandchildren an even greater America with an even greater future. And through that, we can give the entire human race an opportunity to live in freedom and prosperity and safety.

Thank you for honoring me by allowing me to come here today. Thank you.

PERSONAL EXPLANATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. MINK of Hawaii. Mr. Speaker, on February 11 and 12, 1998, I was granted a leave of absence and according missed Roll Call votes number 12 through 17. Had I been present I would have voted No on Roll Call number 12, and Yes on Roll Call number 13, Yes on Roll Call number 14, Yes on Roll Call number 15, Yes on Roll Call number 16, and No on Roll call number 17.

HONORING THE FIRST PRESBYTERIAN HISPANIC CHURCH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, today, I am proud to recognize the First Presbyterian Hispanic Church.

The Cuban patriot Jose Marti once said: "We need temples of love and humanity that free everything that is generous in man." Marti's vision was one shared by Reverend Ernesto Sosa, a constituent of my congressional district. Reverend Sosa, along with a group of dedicated leaders, founded the Primera Iglesia Hispana Prebysteriana, the First Presbyterian Hispanic Church on March 2, 1958, in Miami, Florida. This group of dedicated community leaders who for many years had fought for freedom and democracy in Cuba, returned to there in the hopes of establishing the church in their homeland. Their dreams were shattered, however, when the Castro dictatorship set itself on a course of religious oppression and persecution.

The group returned to this great country where individual freedoms are not only valued but protected and when they would be free to complete their generous and noble task. The church began by establishing a center to assist new refugees, a place where regardless of race or creed, people were offered food, clothing and medicine. A year after the establishment of the center, a clinic and nursery were developed to provide additional services to the community. The center not only offered resources to the public, but spiritual guidance at a time when many of these families were suffering through the difficulty of being separated from their loved ones and adjusting to life in their new country.

The Iglesia Prebysteriana Hispana de Miami eventually built a new temple to accommodate their growing congregation. The current pastor, Reverend Mardoqueo Munoz-Castillo, continues to lead the congregation in weekly Sunday masses. Today, after celebrating the fortieth anniversary of their founding, the church provides a variety of support resources to the public and, as always, important spiritual guidance.

NATIONAL MIDDLE SCHOOL MONTH

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. NEAL. Mr. Speaker, it is my pleasure to stand before this great legislative body during Education Week to acknowledge the positive educational initiatives that are taking place in the Second Congressional District of Massachusetts.

This month is National Middle Level Education Month, and I would like to take this opportunity to commend Mary E. Wells Junior High School in Southbridge, Massachusetts for the strives they are making in promoting academic excellence to all of their students. Mary E. Wells Junior High School, under the leadership of Principal Brian Abdallah and Vice-Principal Bryant Montigny, has submitted to me a Proclamation that epitomizes the direction that education and standards of excellence should follow across the nation. Mary E. Wells Junior High School attained the privilege and honor of being nominated by the Massachusetts Department of Education as a Blue Ribbon School for the 1997–1998 school year. This distinction gives credence to the diligence and dedication of the teaching staff at Wells and the positive outcomes that can result when challenging standards and curriculum exist and teaching and active learning partnerships are pursued.

PROCLAMATION

Whereas, middle level education has a special and unique function in the nation's education system; and

Whereas, young adolescents are undergoing dramatic physical, social, emotional and intellectual growth and are especially vulnerable; and

Whereas, the habits and values established during early adolescence have critical, lifelong influence; and

Whereas, this influence affects the future health and welfare of our nation; and

Whereas, an adequate public understanding of the distinctive mission of the middle level school is necessary for that mission to succeed; and

Whereas, it is incumbent upon all of us in education and in the larger community to have high expectations for all students, educators, schools, parents, and community members for middle school students to achieve and develop to their fullest potential;

Therefore be it Resolved, that the month of March 1998 be declared National Middle Level Education Month; and is being celebrated at Mary E. Wells Junior High School in Southbridge, Massachusetts.

Resolved, that the public be afforded special opportunities to visit middle schools and participate in programs that focus on the nature of young adolescents, celebrate the ways in which our nation's schools respond to their needs and to the needs of the nation; and *Resolved*, that the public be encouraged to commit to working with schools to provide the highest standard of schooling and highest expectations for all adolescents and adults working with them.

TRIBUTE TO NEW YORK SENATOR NORMAN J. LEVY (1931–1998)

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise to respectfully acknowledge the passing of New York State Senator Norman J. Levy on Saturday, February 7, 1998.

True heroes do not come around very often. Heroes take chances, they demonstrate courage, and they fight for those who are in need. Senator Levy was such a hero, a champion for Long Island and New York. He was an extraordinary example of a public leader.

I am fortunate to have known Senator Levy for many years and I very much admired him for his moral compass, dedication to public service, and his ability to work for his constituents. Senator Levy was a remarkable individual who lived his life with dignity and grace, earning the respect of the Long Island community. He dedicated his life to making this same community a safer and more enjoyable place to live and work.

Senator Levy has a long and distinguished career serving the State of New York, beginning in the Nassau County District Attorney's office and then serving in the New York State Senate since 1970. In the State Senate, he developed and fought to pass innovative legislation. Among his many achievements, Senator Levy sponsored the first mandatory seat-belt law, ensuring that drivers and passengers are safe on New York roads. He was also an active proponent for special education and had an open and direct relationship with teachers and parents.

Not only did Senator Levy work on behalf of the residents of New York State in the State Legislature, but he was also very active in many community organizations and charities.

For his many personal achievements and most importantly for his friendship, I will fondly remember New York State Senator Norman Levy and continue to look to him as one of the best examples of a dedicated and conscientious public servant. I am proud to have known such an extraordinary individual.

With Senator Levy's passing the people of Long Island and New York have lost a great friend.

TRIBUTE TO NEW YORK STATE SENATOR NORMAN J. LEVY (1931–1998)

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KING. Mr. Speaker, I rise today to honor one of New York's greatest statesmen, Senator Norman Levy. Norm Levy passed away last month, after a long illness. He will be missed.

Norm Levy was one of the giants of the New York State Legislature. He was a dominate presence in the Senate and was admired and respected by members of both parties. As Chairman of the Transportation Committee, he was instrumental in directing policy on issues affecting the lives of all New Yorkers.

Norm Levy was also a strong voice for Long Island in Albany. He was unmatched in seeing to it that our region's concerns were addressed by the state government.

Norm Levy's absence leaves a great void in Long Island politics. He was an outstanding legislator, a sharp-minded and insightful politician, and unlike many people in our business, a truly nice guy. I was always proud to call him my friend.

The people of Long Island and all of New York State will be poorer for his loss.

TRIBUTE TO NEW YORK STATE SENATOR NORMAN J. LEVY (193–1998)

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I wish to join my colleagues from Long Island in honoring the accomplishments of a distinguished public servant, State Senator Norman J. Levy. Senator Levy recently passed away, leaving behind a strong legacy of commitment and dedication to the State of New York and Long Island in particular.

Norman J. Levy was well known and respected by the people of Nassau County. He was born on January 24, 1931 in Rockville Center, New York and attended elementary school in Lynbrook and Malverne. After receiving degrees from Bucknell University and Brooklyn Law School, Mr. Levy began his career of service to the American people by joining the U.S. Army as a Chief Legal Clerk to the Army Staff Judge Advocate from 1954 to 1956.

In 1958, Norman Levy became the first law intern of the Nassau County District Attorney's office and moved-up to become Assistant District Attorney of Nassau County in 1959. In 1962, he was appointed Chief of the Nassau County Rackets Bureau where he fought organized crime until being elected to the New York Senate in 1970.

While representing the people of Nassau County in the Senate, Senator Levy distinguished himself as a true leader. He served as Chairman of the Committee on Labor and later as Chairman of the Committee on Transportation. He also served as Chairman of the Senate Task Force on Drunk Driving. Chairman Levy became a nationally recognized advocate for safety by sponsoring anti-DWI legislation and highway safety laws, including our nation's first mandatory seat-belt law.

Mr. Speaker, we will miss Senator Levy. And we will remember him fondly as a champion in the fight for safety and the fight against crime. Through his dedication and commitment, he made Long Island, and the whole State of New York, a safer and better place for our families.