SENATE—*Tuesday, March 24, 1998*

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

PRAYER

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

Dear Father, thank You for this quiet moment with You when we can receive the peace of knowing we are loved and forgiven, the healing of hurts from harbored memories, the answers to problems that seem unsolvable, and a vision for our Nation that would otherwise be beyond human expectation. To know You is our greatest desire and to serve You is life's greatest delight.

Gracious Lord of all life, forgive our imposed dichotomy between the sacred and the secular. Every person, situation, and responsibility is sacred to You because everyone and everything belongs to You. Give us a renewed awareness that all we have and are is Your gift. May we cherish the wonder of life You have entrusted to us. May our gratitude be the motive for our work today in this Senate. We want our work to be an expression of our worship of You. Therefore, we make a renewed commitment to excellence in everything we do and say. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alaska, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, I announce that this morning's session will be one where we resume consideration of the emergency supplemental appropriations bill, with hope of concluding action on the bill during today's session.

As under a previous consent agreement, from 12:30 to 2:15 the Senate will recess for the weekly policy luncheons to meet. As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, is scheduled to occur at 5:30 p.m. if an agreement cannot be reached prior to that time. In addition, by consent, all second-degree amendments to that legislation must be filed by 4:30 p.m.

Again, it is hoped that good progress can be made on the emergency supplemental appropriations bill during today's session. All Members should contact either Senator BYRD or myself regarding this legislation if they intend to offer an amendment as the Senate attempts to complete action on this supplemental appropriations bill before the cloture vote.

Also, it is hoped that headway will be made on the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action. And, on behalf of the majority leader, I thank our colleagues for their attention to his message.

ORDER OF PROCEDURE

Mr. STEVENS. For myself, let me say this, Mr. President. If we do get cloture on the Coverdell bill, that will mean we cannot finish this bill, the supplemental, until the cloture time has expired. We believe that we are very close to having cloture on the Coverdell bill, and it is imperative that we finish this supplemental bill so that when the House passes its bill we can go immediately to conference. It is our intent to take this bill through third reading and have it ready for immediate action without any further requests, based on a unanimous-consent agreement, to send the bill to the House for conference as soon as we are aware that the House bill has been received in the Senate.

That means it is imperative, if Senators believe, as I do, that our first job must be to assure we do not take money from the defense accounts to repay the costs of the deployment that has already been made in Bosnia, already been made in southwest Asia. If we cannot get this bill passed before April 1, that money is going to start coming out of the readiness accounts that apply to the men and women in the armed services who are still deployed in the continental U.S. and throughout areas other than Bosnia and the Iraq area.

The consequence of not passing this bill before April 1 is that the people who may have to be sent over to replace those already deployed—and we are making our rotations every 6 months—might not have the readiness and the edge that they need to go into a combat area. It is just imperative that we pass this bill before April 1. I have said that before on the floor. I again urge Senators to realize there is a timeframe problem on this bill and we do not want it to get involved in waiting for the cloture period on the A+ bill to expire.

I hope Senators will contact us. We are more than willing to consider any amendment. I hope Senators will listen to us with regard to time limits on their amendments. And we do have a pending amendment. Senator ASHCROFT is here to present his amendment. As soon as that is over, we really have a schedule of amendments ready to proceed, and I hope Senators will come as we call them and assist us by entering into time agreements. The time we will be taking off for the period of the luncheons is certain.

I remind Senators, tonight we start a new routine—the leader's seminars that are going to take place, with the distinguished former majority leader coming at 6 p.m., in the Old Senate Chamber, for Members only. A chance to listen to the former majority leader, Senator Mansfield, I think is something we must all make time for. It is a memorable thing. We are starting, I think, a great new tradition in the Senate from today.

Mr. KENNEDY. Mr. President, I have just a question of the floor manager. I have no amendments. I am quite prepared to vote at any time on this particular measure. I am just wondering if we are going to have any time prior to the 5:30 vote so we could discuss the Coverdell amendment. I want to accommodate the floor manager. I don't want to interrupt the orderly procedure. It is 9:40 now. I note we do have an issue before the Senate which is not directly related to the supplemental which will be taking up some time. So I am just wondering if there is any time that is preferable to the Senator, or whether there might be a designated period of time before a vote on the legislation of Senator COVERDELL, and maybe those that oppose it—not a lengthy time, but maybe there is a time that we could address it prior to 5 or 5:30 that would be convenient?

Mr. STEVENS. The Senator makes a good request, and I will consult with the majority leader on that. As the Senator knows, we took almost 2 hours yesterday on that bill. But I do think it would be a fair thing to have a period prior to the vote at 5:30 so both sides might state their positions.

It is not our intention this morning to have any morning hour time. We have Senator ASHCROFT's amendment pending. Senator HUTCHISON is waiting to bring up an amendment, and there are other amendments waiting in line behind that. So it is our hope that we can dispose of many of those this morning if possible. And if we can, that will mean we can open up some time later in the afternoon for a period for the discussion of the Senator from Massachusetts. I hope that is agreeable.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. KENNEDY. I appreciate the cooperation and courtesy of the Senator. I see Senator ASHCROFT on the floor now. I know he wants to address the comptime issue, which is not directly related. I am prepared to respond to that. But, again, I have no interest in taking us off the measure which we have before us. I just want to cooperate with the floor manager on it. I was unaware that this amendment was coming up, but that's life around here.

But I want to cooperate with the Senator from Alaska in any way, so they can move the process forward. As I say, I am ready to vote on the supplemental now. I do not intend to either speak or offer amendments on it.

Mr. STEVENS. This amendment was offered last evening and is the pending amendment. It needs to be disposed of. I hope as soon as possible we will dispose of this amendment and move on to another amendment that Senator HUTCHISON also discussed last night, and that is the amendment pertaining to some conditions on the Bosnia deployment. That is relevant to the money in the bill. We expect to get to that as soon as possible.

But I commit to the Senator from Massachusetts, we will notify him if there is a lull in activities here and try to accommodate his request for some morning hour time. Senator COVERDELL still has about 20 minutes coming under the agreement we reached yesterday for equal time, under the discussion that took place yesterday, but now that has to be accommodated, and we will do our best to do so.

I yield to Senator ASHCROFT.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens (for Kyl) amendment No. 2079, to provide contingent emergency funds for the enhancement of a number of theater missile defense programs.

Ashcroft amendment No. 2080, to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and bi-weekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2080

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to spend a few moments speaking about two of America's most fundamental values. These values are embraced by our people across the Nation from sea to shining sea. If we were to inventory values among the American people, I think these would percolate to the top. They are the values of family and the values of work. These values come together when we think about how our workplaces impact families.

Sometimes when they come together, it is through collision. This collision takes place when the value of family conflicts with the value of work—the workplace actually competes with the family and the family's needs. Sometimes, though, they can come together through cooperation instead of by collision. I think that is what we ought to seek to encourage in our culture that these two most important values of our culture—work and family—should be able to coexist and to cooperate. They must be able to coexist and cooperate to build a strong America. But when one of these values undermines, erodes or undercuts the other value, we develop tensions that keep us from operating at our highest and best.

How we resolve the particular conflicts between these values that are important will determine how well we do in the next century. Most of us want to be survivors in the next century; we don't want to be succumbers. We want to be swimmers; we don't want to be sinkers. We want America to continue to define the world culture. We want the 21st century to be marked as an American century. We can do that if the Congress builds an important framework which allows people to respect these values in cooperation rather than in conflict. If we make it possible for the value of work to be a value which can be elevated without undermining or eroding the value of family.

So it is important for us to make sure that, as a Government, that we allow rules to exist and we provide a framework in which both the value of work and the value of family can flourish. Without hard work, we will never make it. Without strong families, we will never make it. Without finding a way to harmonize these competing interests—we will never be able to succeed in the next century.

Since 1965, the amount of time that parents spend with their children has dropped 40 percent. This is a decrease of almost half of the amount of time that parents spend with their children. This does not necessarily threaten the work part of the equation, but it certainly indicates that there is a serious challenge to the family side of the equation. These two values of work and family must work together—must be elevated together. And if we have elevated work to the detriment of family, we have to find out ways, we have to seek out ways, we have to search for ways to make it possible for families to spend more time together.

A 1993 study found that 66 percent—two out of every three adults surveyed nationwide—wanted to spend more time with their children.

How can we begin to restore a balance? How can we restore the capacity of families to have that kind of chemistry within them that builds the strong sense of loyalty, of belonging, and of confidence that provides the basis for transmitting values from one generation to the next?

The family is the best department of education; it is the best department of social services and health; it is the best employment training in the world. If we have strong families, we will succeed.

How can we make it possible for these 66 percent of American adults who want to spend more time with their children to do so?

Fifty-five percent of the adults surveyed are willing to give up some seniority or pay at work in exchange for more personal time. People feel this need to be with their family very strongly.

According to the U.S. Department of Labor in its report "Working Women Count"—and here is the cover of the report. This was the executive summary of the cover from the Women's Bureau, the U.S. Department of Labor. According to that, "The number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations."

That was out of this report from the President's Department of Labor, U.S. Department of Labor, May 1994.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all the families had sort of a traditional structure. Let's go to the next chart.

In 1938, only 2 out of 12 women with school-aged children worked outside the home. So for these women, they had lots of time with their children. Only 2 out of 12, 1 out of 6—about 17 percent—only 2 out of 12 worked outside the home. Look at the difference today. By 1995, we had a situation where 9 out of 12 women with school-aged children worked outside the home.

This represents a major change in America's families, a substantial change in the structure of the home, a

major change in the ability of people to spend time with their children. It is becoming very clear that we need to do something to make it possible, if we can, to allow families to spend time together.

By 1995, only 70 percent of families had a traditional structure; 43 percent of all families had two working spouses.

In 1995, almost 70 percent of single women headed families with children. That is a real situation where not only do you not have a mom and dad to work to help children together, but you have one-parent families. And if you take that one-parent family into a rigid employment environment where there is no ability to accommodate the needs of the family, you basically have a situation where there is no capacity to meet the needs of children when the work of the family comes in conflict with the work of the workplace.

There is a way for us to improve this situation. There is a way for us to help American families meet the needs of their families and the needs of the workplace as well. This solution was recognized as far back as 1945 when the Federal Employee Pay Act was passed to give Federal workers a compensatory time-off option. I want to restate the date. That is 1945. That is a long time ago. In 1945, over half a century ago, Federal workers began to have the ability, instead of taking time-and-a-half pay for overtime hours they worked, to take time off sometime later when they realized, "Wait a second, all the time-and-a-half pay in the world will never buy me more time with my family if I can't get a break. Could I possibly make it some time so that when I work an extra hour, instead of getting an hour and a half pay for the overtime, I would get time off sometime later to spend with my family?"

This concept was recognized again in 1978 when Congress gave flextime options to the Federal Government. I think it is important to note that that was a major step forward. It took individuals looking down the tunnel of time a little bit to understand there would be more and more women in the work force, more and more families without time spent by parents for children.

Among those who were at the forefront of the march to help preserve the capacity of families to spend time with their children is the senior Senator from Alaska, who was part of this 1978 effort to give Federal Government employees options for flextime in addition to comptime.

What is important is that in 1994, President Clinton decided that flextime was so valuable that he extended this sort of flexible-working-arrangement time situation to a whole group of individuals in the executive department of Government, because he understood the need that workers and their families have to spend more time together. The Federal workers have it.

Here is a little chart: Flexible scheduling today. Who can benefit? Mr. President, 2.9 million Federal employees are eligible for flexible scheduling benefits under the current law.

Who can't have it? By law, 59.2 million private-sector workers cannot make the same choices about their work schedules. Special privilege to the Federal worker with flexible scheduling; the absence of this capacity to assist individuals, reinforce the value of family and work together for non-Federal workers.

When asked, 8 out of 10 respondents supported continuation of the program in the Federal sector. The General Accounting Office, conducted the study and workers indicated that they approve the program; 72 percent stated they had more flexibility to spend time with their families. Just think of that, flexible working arrangements had helped 72 percent of the Federal employees spend more time with their families—that is something we should encourage—rather than discourage, all Americans to do.

What is interesting is that these studies also included that productivity went up. What we are beginning to define here is a win-win situation. The workers have their capacity to spend more time with their family—at the same time—the employer has its capacity elevated because productivity goes up. This defines a new way of looking at the relationship between employees and employers. We need for the next century to see ourselves as teams going forward together, not adversaries that can only move forward if the other moves backward. That is a very important concept as we face the 21st century. We will never do well in the 21st century if we don't understand that we only walk forward together.

Seventy-four percent of Federal employees participating in these programs said that alternative work schedules improve their morale. Overwhelmingly, American workers want the same options to be available in the private sector.

There is a group of those who survey public attitudes, Penn and Schoen, these are pollsters who often work for President Clinton. Their studies show that 75 percent favor allowing employees the choice of getting time off, time and a half either in wages or as time off. Three out of four, 7½ out of 10 people surveyed said they would like to have that choice—they just want a choice. Fifty-seven percent said they would take time off instead of being paid, if the option were available, from time to time.

What is interesting is that you don't have to make a choice under these proposals to always take time as comptime and never get paid for it. As a matter of fact, you can take it as comptime when you have something, some needs, arising in your families, not take it as comptime if you need the money more—it is your decision. Unlike the current situation when workers have no choice, no choice whatsoever, as to whether time is more valuable than money.

If you decide you want it as comptime and later on change your mind because you need the money, the proposal allows you to cash in the comptime. Fifty-eight percent of those who would choose the option of time off would choose it more often than pay, they say. This indicates that there is a strong demand and a capacity of American workers who believe they could make their own choice here. They would like simply to have the choice. In fact, a recent poll by Money magazine found that 64 percent of the American people and 68 percent of women would rather have their overtime in the form of time off than in cash wages.

We wouldn't be here to tell people that they had to take it in time off, to say they must take it in wages or must take it in time off. I think what we ought to do is allow people to have the flexibility to meet their needs at the moment, to meet the needs of their families at the moment. There are times when they might prefer to work a little extra and have the extra cash, but there are times when they would be asked to work overtime and they would like to say, "You know, I have been working a lot, I need to spend time with my family, we need to take a day off together, we need to go to the zoo, we need to go to the basketball game, we need to see our son and daughter in a play; how about I work the extra time you are asking me and I get time and a half off later on?" Eighty-two percent of the people said they support the Republican proposal to give working men and women more control over their time.

This is the challenge we face. We have two competing values in America: the value of work, which is understood as one of the primary values of our culture, and the value of family, family the primary institution of our culture. We shouldn't have them colliding and conflicting in the law. We should have them cooperating, and we should find ways to give people more options to make choices that respect both of those values.

Let me make a few points about the amendment which I propose. First of all, it does not alter the 40-hour workweek. It is a new section at the end of the Fair Labor Standards Act that does not revise the 40-hour workweek, and it is voluntary, totally voluntary. Anyone who wants to operate under the current law could continue to operate that way without discrimination, and

if there are any violations of this provision, the penalties are doubled for violations.

It just provides that there is a potential for compensatory time off when time is more valuable than money to individuals. There would be limits so that we wouldn't have a situation where people might be putting a lot of compensatory time off into a bank and then if the employer went out of business or were to leave the area that the person, his or her time off or income would be jeopardized. Accumulation would be limited to 160 hours. At the end of every year, any accumulated time would be cashed out so that if you didn't use your comptime by the end of the year, you just got time-and-a-half pay. Or any time prior to taking the time off that a worker decides, "Hey, I don't think I am going to be able to afford to take that time off, I just would like to have my money instead," the law would allow the worker to just take the time-and-a-half pay instead of the time off for comptime. Under this amendment, cashing-out your comp time bank is an absolute right.

There is a strong provision in this amendment which would allow for a reasonable use, at the employee's option, of the time off if it does not unduly disrupt the employer's operation. The undue-disruption criterion has been used in the employment setting for quite some time now, so that there is relatively good understanding that employers are required to make a significant showing, and can't just unreasonably deny an employee's request to take that time off.

Sometimes people worry about whether or not there would be some sort of coercion under this proposal. I think it is important for us to understand that there are strong protections to prohibit coercion. The protections that are provided in this law would be far greater than the protections that are enjoyed by the State and local and Federal Government workers as it relates to comptime now.

For instance, for State and local workers, workers can be required to participate—as a condition of employment—in comptime provisions. Ours would be totally voluntary in the private sector. So that is a protection, a safeguard, against coercion of any worker who didn't want to participate in comptime. This would be an authorization for an employer and employee to work together, but an employee who chose not to participate in getting comptime off could, with total assurance, have the resources instead, and even if the worker decided to take the comptime off and later changed his or her mind, just like that, the money has to be paid.

Management can decide when a worker must use comptime under the State and local workers' law. Not so under ours. Management cannot dictate, and the workers would have the right to make choices about when to use them.

Under the State and local workers' law, comptime is paid in cash only when the worker leaves the job. Under the State and local situation, in order to convert your comptime to cash, you have to leave your job. Not so under the provision of the amendment which we are proposing. Any time you want to convert your comptime to cash, you could automatically do it, as a matter of right. Just say, I want to change from the comptime which I have in the bank, time I had intended to take off, and I would like to have the overtime pay instead.

Under S. 4, participation is strictly voluntary. It cannot be required. This is in stark contrast to the required participation condition of State and local workers which currently is the law now.

Under this proposal, workers cannot be coerced into using their comptime. For state and local government workers—management can decide when the comptime is to be used. Under this proposal, workers cannot be coerced, comptime must be cashed out on request under our proposal and must be cashed out at the end of every year.

You can only cash out your comptime under the State and local provisions which have been in effect now for the last, basically, dozen years. You can only get your money when you leave the job. Under our proposal, you get the money anytime you decide you want the money.

Now, in addition to the compensatory time option to make the values of family and work harmonious—so that they are in cooperation, not in conflict—so that they work together in harmony and unity to provide a better setting for workers, there is another thing besides comptime. It is called flexible schedules.

One of the most popular programs in the Federal Government is the ability to—the ability to—allocate hours from one week to the next and to figure the 40-hour week over a 2-week period. A lot of Federal workers have done this so that they can take a day off, an extra day off every other week.

When a lot of folks are asked the question, would you like to have every other Friday off or every other Monday off or would you like to have a weekday off every other week, they respond very positively to that. In order to do that, sometimes you will have to allow people, as a matter of choice, to say, "I'll work more than 40 hours in one week in return for working less the next week." So that the most popular schedule among Federal workers in flexible working arrangements is to work 45 hours the first week, 35 hours the next week, and in so doing by working 9 hours a day for most of the days, have every other Friday off.

Now this gives people a chance to take a weekday off so that they can go to the schoolhouse and talk to teachers or they can attend events or maybe even just go to the motor vehicle department and stand in line so they can get their license renewed. Or maybe just be told that they did not bring the right supporting documents and get sent home to get whatever is necessary.

But this ability to have flex hours at the option of the workers—at the request of the workers—so that people can take an extra day off every other week and still preserve their paycheck and still have the complete capacity, is an important thing. This flexible credit hour provision is important because not all workers earn overtime. In other words, comptime alone will not solve the problem. Workers who do not earn overtime also would like to have some time off so they can just rearrange their schedule but would be precluded from doing so under a comp time only plan.

Flexible scheduling. Sure, lots of people who work overtime can take Friday off every other week, if they are working enough overtime. The vast majority of people do not get overtime, but they would like to have flexible scheduling. They would like to have some time off in which they can meet the needs of their families.

Only 20 percent of workers who get paid by the hour report receiving overtime during a typical week—only one out of five. Seventy-two percent of those reporting overtime compensation are men. So that some of the people who need flexibility—women—need to be able to take some time off, but are not the ones who are getting the capacity to take time off. Comptime alone would help only 1.9 million working women. That is only 4.5 percent of all the working women in the private sector.

Other flexible scheduling options: Instead of helping just 4.5 percent of the women, flexible scheduling options would help 67 percent of all working women. In addition to the comptime for people who actually get overtime, we ought to be working with individuals who are only going to get 40 hours a week. We can do this by giving them the opportunity to tailor that 40 hours a week in ways that gives them time off to spend with their families, spend with their children, or if they do not have families, they can spend it on themselves.

The idea that individuals should not be able to agree with their employers to arrange things so they can have a more fulfilling life—to be with their children or take care of themselves—is an idea of the past. American workers know how to accommodate their needs and should be able to agree with their employers in a framework of protections to do that.

Comptime would only help 5 million working men. That is only 10 percent of the working men in the private sector. The other flexible scheduling options provided in this amendment would benefit 61 percent of all men working in the private sector.

Who would gain from flexible scheduling? Mr. President, 59.2 million private sector workers would have new choices in setting work schedules and making time for their family and friends—30.4 million men, 28.8 million women.

These are individuals with families; these are individuals who have something that competes with the workplace for their interests. We should not make it a situation where in order to do your job you cannot be a parent or be a good parent or in order to be a good parent you have to be a bad employee. We should provide the flexibility of scheduling. We should tailor the laws of this country to make it possible for individuals—to make it possible for individuals—to be able to meet the needs of their families and the workplace.

We mentioned earlier, when we surveyed the situation in Government, the General Accounting Office said two things happened: Morale and productivity went up, and worker satisfaction and their ability to spend time with their families went up. Wait a second. Here is a win-win situation. The value of work went up and the value of family went up. When Government can provide a basis for enhancing the value of families and enhancing the value of work in this culture, we ought to seize that opportunity. Too much of what we do impairs the value of these cultures.

Well, there are others who have said there are other solutions. Frankly, the solution that has been proposed on the other side of the aisle is more unpaid leave, more of the so-called Family and Medical Leave. And that is a tragedy because unpaid leave exacerbates one of the problems that families are enduring—that is, they need resources.

A lot of families would not have both adults in the work force if they did not need the money. So telling people that they should not get money, that they should take unpaid leave, is saying, sure, we know you are having a problem spending time with your family and a problem funding your family, so you should take more time with your family and, therefore, have greater difficulty funding it. That is a vice. That is a crack into which we should not let families fall.

That exacerbates the tension between the home place and the workplace. It does not lift them both together. Let me give you some data which I found to be stunning. The Family and Medical Leave Commission report, which included notable Members of this Chamber, reported that in order to make up for the money people lost when they took family leave, 28 percent of the families had to borrow money—go further into debt.

This basically says, if you need to have some time off, you have to go into debt to spend time with your family. We should not try to force people into financial crisis. As a matter of fact, 10.4 percent of the families who took family and medical leave had to go on welfare in order to accommodate the needs that arose from the lack of resources when they took family and medical leave. And this is stunning, 42 percent—41.9 percent; let me not overstate it—41.9 percent had to put off paying bills.

I don't know about most folks, but if I have to put off paying a bill, that is a matter of serious tension. If you have to go on welfare just to make up for your family and medical leave that you took for your time off, that is a matter of serious tension. Or if you have to go into debt, 28.1 percent had to borrow money under the family and medical leave provisions in order to meet the needs of their family. That is serious tension.

I think it would be far better if, instead of asking people to take a pay cut, which you have to do in order to address the needs of your family under family and medical leave, that you should allow us to have flexible working arrangements where you might have compensatory time off as a result of overtime you have worked or you have a flexible working schedule that you have designed.

Well, the provisions in this bill are not the kinds of things that are new or novel or have not been tested. Since 1945, comptime has been available to Federal workers. We have seen how it works. Since 1985, it has been available to State and local workers. We know how it works. And we have designed a superior product with more choices for workers in this amendment than are existent for Federal workers and for State and local workers who like the program. It seems like common sense.

We offered this during the 104th Congress, the Work and Family Integration Act. It was selected as one of the top 10 agenda items on the Republican side of the Senate for the 105th Congress. This past summer the bill was filibustered by the other side of the aisle.

Yesterday, there was a lot of talk in this Chamber about having time for debate, having time for amendments, and the need to have amendments and debate. Well, you know, last year we brought up the Family Friendly Workplace Act. There was not a single amendment brought forward by the individuals who opposed this on the other side of the aisle. Not one amendment came to the floor, and yet they would not let us vote. They talked and talked and talked. I stood on this floor and encouraged them to offer amendments to address their concerns. I encouraged them to offer these amendments so the issues could be resolved—so we could end up with a product they could support. Not one amendment was offered.

We did fail to get two cloture votes while I, along with many other Republicans, stood on the floor and asked for our colleagues on the other side of the aisle to offer their amendments. They simply were not forthcoming. We even had Republican Members come down to offer our own amendments to address some of their concerns. But we were unable to because Democrats were stonewalling the issue.

Eventually President Clinton rhetorically supported comptime. He even spoke to me personally about it. The very day of the last failed cloture vote, I was told that flextime is the most important thing we could do for American families by the President himself. But when we tried to begin negotiations, it became a series of unreturned phone calls while making continued statements to the press of the importance of flextime and their desire to compromise—but no real negotiations.

Not only did I try to get the White House to sit down and talk, so did the chairman of the Labor Committee and Congressman BALLENGER, the sponsor of the House comptime bill. We were told, "Wait until we finish the budget," and then "Wait until the fast track vote," and wait and wait and wait.

I am reminded of the old saying in the Ozarks, "Wait is what broke the bridge down." I think the bridge collapsed under the waiting of the bridge. We are still waiting.

Well, we will not wait idly by while millions of Americans are denied the ability to balance their work and family demands. This is something the American people deserve. This is something that is essential to the survival of our culture. We must respect our families. We must give them the opportunity to survive, and we must have a competitive and productive work force. And there are ways for this to happen. We must harmonize these values. They must work together in cooperation. They cannot work antagonistically in conflict.

This is an issue that the Democrats in Congress and the President will not be able to make disappear. I will continue to bring this issue up at every opportunity. We have been accused of being unwilling to compromise. Well, we have made changes in the bill to try to address concerns that have been raised.

We added bankruptcy protections to ensure that employees will be able to collect accumulated comptime if their employer declares bankruptcy. We limited the number of hours that an employee can accrue from 240 hours to 160 to make sure that a person does not get too many hours of comptime out there and somehow it might not be fulfilled.

We have put a sunset provision on the bill saying, look, we are only trying it for 5 years. Let the American people find out about it. If it is abusive to the workers, it will be over in 5 years. It will not be abusive. If this was an abuse of workers, they would have curtailed it after 5 years in 1950, from the time it started in 1945; or for State and local workers in 1990, after it was started in 1985.

We completely eliminated the flexible credit hour provisions of the bill so that we are just talking about flexible scheduling. This amendment only permits workers to move 10 hours from one week to the next, but that would provide a basis for a day off every other week.

We will find out who really supports giving workers the flexible work schedules that workers desperately need. We will do so by asking that this bill move forward. We will find out who believes that it is appropriate for Government to allow flexible work schedules for their own employees and for salaried workers but not for laborers, those who have built this great Nation. Everybody has flexible work time. All the Government does, all the salaried workers. The boardroom has it, the people on salary.

Local and State governments have it. But who doesn't have it? Hourly workers in America, the people who built this country. They are in the minority now. They don't have it. I believe it is time for them to have this same kind of capacity to be with their families the way others have found it to be with theirs. We also will find out who really cares about women's positions in the workplace.

It is interesting to note that Working Woman Magazine says this:

> Poll after poll shows that Americans want to spend time with their families and cite flexible scheduling as a top priority. . . . Give women what they want, not what you (Members of Congress) think they need.

That is what Working Woman Magazine said. This is a fight that must be continued. I believe that this is a fight that should be continued for the hourly workers of America, who don't happen to be Federal workers, who don't happen to be State workers, who don't happen to be local government workers, who don't happen to be salaried workers, who don't happen to inhabit the walnut-paneled boardrooms of America, but do happen to have families and do happen to have the same kinds of needs.

President Clinton and the Democratic platform have all endorsed flextime as a way to help Americans balance the needs of work and family. It is time for that endorsement to become a reality. It is time for Congress to stop ignoring the serious challenges that are facing families in today's workplace and give American workers what they want and need.

This issue will not go away. This issue of giving working Americans the ability to balance work and family must be addressed. I am not going to tie up this supplemental appropriations bill with this amendment at this time. But I lay this before the Congress as a clear signal and indication that this is a must-address issue. I will bring this issue back to the floor on an insistent basis. While we are meeting the emergency needs of Government, we cannot continue to ignore the needs, emergency needs, of families and of the American work force, particularly those who have built this Nation as hourly workers.

So I will withdraw my amendment at this time. I will indicate that this is a must-address issue, but I will not allow it to foreclose or preclude or otherwise impair our ability to address the emergency needs of troops that are deployed by this country overseas. But I will say that neither will I allow this body to ignore this issue and thereby ignore the needs of American families, just as we are not going to ignore the needs of the American Government.

Mr. President, I ask for the opportunity to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I thank the Senator for his courtesy. He is the original sponsor of the legislation that provided the Federal system flextime and comptime, and I have supported what the Senator is doing. I think it is a step that should be taken. I regret that we cannot proceed, but I appreciate the fact that he has seen fit to withdraw this amendment now so that we can proceed and try to keep this bill limited to those items that are emergency in nature, which affect our defense and affect the disasters that have taken place in this country. I commend the Senator for his action. I am very appreciative of it.

AMENDMENT NO. 2079

Mr. STEVENS. Mr. President, as I understand it, the Kyl amendment that I offered on behalf of the Senator from Arizona is the pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I would like to have that remain the pending amendment now so we can see if we can dispose of it. I am not sure we can do that before noon, but I hope that we can. I urge any Members who have any questions about this to come and discuss them with me. Unfortunately, Senator KYL is not here. I am not sure whether he will be here today because of illness. It is not serious; he just has a problem, I am told.

Let me say this to the Senate. I and a number of my colleagues have watched with concern as Iran has worked aggressively to develop longer range theater ballistic missiles.

There have been many reports that a new Iranian missile, the Shahab-3, may be tested within the coming year.

This new missile, with a range approaching 1,300 kilometers, can now reach targets in the Middle East that were previously not threatened by ballistic missiles from Iran.

Further, the Shahab-3's velocity and range could require changes in our own theater missile defense systems currently under development.

Obviously, our allies, particularly Israel, are very concerned about this new Iranian missile development effort. In parallel—and I believe this is of utmost importance—North Korea has continued to pursue the development of a longer range missile. They are working on the no dong and the taepo dong missiles. These missiles have created concern not just in Asia, but in my home State of Alaska, as well as in Hawaii, which is the home State of both of my colleagues from Hawaii.

Now, I believe the Senate should know that the first targets within the reach of the longer range Korean missiles are in fact the States of Alaska and Hawaii.

As a nation, I think we have to react swiftly to the threat posed by these new ballistic missile development and test efforts.

Senator KYL and others who have watched this issue closely have urged that we take action now to respond to this threat. Therefore, I have offered this amendment on behalf of Senator KYL and myself to provide emergency appropriations to respond to this dangerous new threat.

The amendment will provide $151 million for urgent development efforts which directly address these new missile threats. I might say that this matter has been reviewed by the Deputy Secretary of Defense. They have indicated that if additional resources are not made available, they can address these initiatives with reallocation of existing funds. Now, that is exactly what we don't want. The funds have already been allocated, and what this bill is doing is trying to make additional funds available to make up for the ones that have already been used in Bosnia and in the deployment in Southwest Asia.

This amendment provides for better integration of Army and Navy missile defense systems and radars, for additional testing of the Patriot and lower tier systems against these longer range theater ballistic missiles, and other efforts which will link our existing sensors, communications, and weapon systems to defeat improved theater ballistic missiles.

In addition, the amendment specifically provides funds to assist Israel in purchasing a third arrow missile battery. The capabilities of the emerging

Iranian threat force us and Israel to add additional batteries to protect not only our forces, but our allies in Israel.

Mr. President, I believe these efforts have some of the most urgent projects we could undertake in the Department of Defense. As I indicated, Deputy Secretary of Defense John Hamre wrote a letter bringing these needed investments to the attention of our colleagues in the House. The emergency supplemental before us provides an opportunity to deal with these critical investments. But we cannot do it from here directly. This amendment provides that the moneys in the amendment will only be available if there is an official budget estimate for the amounts that are designated to be an emergency. This would be in a request transmitted to the Congress as emergency requirements, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Now, as I say, the amendment I offered for the Senator from Arizona, Mr. KYL, does not make that money available. It will only be available if the administration agrees that there is a critical issue here and that these moneys should be available now to deal with these issues.

Mr. President, we have troops, once again, stationed in this area. We do not have an adequate theater missile defense system. We don't have a missile defense system that is even currently planned for the total 50 States. When it was presented to our committee, the Department specifically pointed out that it was not possible for a period of 15 or more years to cover the States of Alaska and Hawaii. But a theater missile defense system would.

I believe there is an emergency. I believe it is highly important that we proceed to make these investments. I do not think the investments should be made available from funds we have already appropriated for other critical projects in the Department; nor do I think we should defer acquisitions of new systems. That has been done too much already.

Mr. President, we spent more time in the last 3 years reprogramming money we have already made available to the Department of Defense than we have in considering how much money should be available to the Department of Defense. I don't want to start the concept of reprogramming. What this does is, it says to the administration that if they are as serious as we are about proceeding now with the ballistic missile defense system—we have made the finding ourselves that it is an emergency, and we ask the President to simply make the decision. I hope the executive branch will agree that these funds will respond to security crises and the projects should be added. If they do not, these funds would not be available under this amendment. I do believe that my good friend from Hawaii wants to make a statement on the matter when he arrives.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD.)

Mr. KYL. Madam President, my amendment to the supplemental appropriations bill (S. 1768) would accelerate the development and deployment of theater missile defense systems.

Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe have convinced me that U.S. theater missile defenses must be accelerated in order to counter the emerging Iranian threat. This increased Iranian missile threat has materialized much sooner than expected due to the extensive assistance Russia has provided over the past year.

According to press reports, development of Iran's 1,300 kilometer-range Shahab-3 missile, which will be capable of reaching Israel, could be completed in 12 to 18 months. Development of a longer-range missile, called the Shahab-4, whose 2,000 kilometer range will allow it to reach targets in Central Europe, could be completed in as little as three years. Both missiles could be armed with chemical or biological warheads. These revelations are part of a string of very troubling disclosures that have surfaced over the past year detailing the extensive aid Russia has provided to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat for some time. For example, last fall both Houses of Congress passed a Concurrent Resolution which Representative JANE HARMAN and I submitted expressing the sense of the Congress that the Administration should impose sanctions against the Russian organizations and individuals that have transferred ballistic missile technology to Iran. The annual foreign aid bill passed last year also contains a provision conditioning the release of foreign aid to Russia on a halt to the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to these legislative initiatives, the Administration has engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin on several occasions. President Clinton has discussed the matter with President Yeltsin at the Helsinki summit in March 1997 and at the P-8 summit last June. The President also appointed Ambassador Frank Wisner as his special envoy to hold detailed discussions with Russian officials about the dangers of aiding Iran's ballistic missile program. This is a very serious issue which the Clinton Administration has clearly acknowledged.

As a result of the Administration's diplomatic efforts, in January Russian Prime Minister Chernomyrdin signed a decree issuing catch-all export controls on nuclear, biological, chemical, and missile technology. The Russian government has also said it will not assist Iran's missile program. While we all hope this will lead to an end to the transfer of Russian missile hardware and expertise to Iran, I think the jury is still out on whether Moscow will fully comply with its obligations. For example, just one month after Prime Minister Chernomyrdin issued the decree on catch-all export controls, the Washington Times reported that Russia was still providing missile aid to Tehran. Specifically Russia and Iran's intelligence services were reportedly coordinating a visit to Moscow by a group of Iranian missile technicians and Russian missile experts were planning to teach courses in Tehran on missile guidance systems and pyrotechnics.

It is also worth remembering that Russia promised three years ago to phase out conventional arms sales to Iran and to join the Missile Technology Control Regime. In addition, last March, President Yeltsin assured President Clinton at the Helsinki summit that it was not Russia's policy to assist Iran's missile program. But Russia has given missile aid to Iran in violation of these commitments. Deputy Assistant Secretary of State Einhorn summarized this situation well in Senate testimony last year stating,

> We have pressed the Russian leadership at the highest levels and we have been told that it is not Russia's policy to assist Iran's long-range missile program. But the problem is this: There's a disconnect between those reassurances, which we welcome, and what we believe is actually occurring.

In any event, the United States and our allies must be prepared to protect ourselves from the possibility that Iran will use ballistic missiles armed with nuclear, biological, or nuclear warheads. It is that possibility that this amendment is intended to address. Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab-3 or Shahab-4 missiles before those systems are deployed. This amendment provides funding to accelerate the development of some key theater missile defense systems, as well as procurement of items for a third Arrow missile defense battery for Israel.

In crafting this amendment, I have worked closely with the Defense Department and my colleagues in the House of Representatives. Last month,

Deputy Defense Secretary Hamre identified a variety of initiatives which DoD felt were needed to counter the new missile threat from Iran. In a letter to Representative WELDON, Mr. Hamre indicated the Administration felt so strongly about the need for these new initiatives that if additional funding was not provided, that the Ballistic Missile Defense Organization would reprogram $100 million from existing missile defense programs for this purpose. Reprogramming missile defense funds would be counterproductive since, in effect, we would be robbing Peter to pay Paul.

The $100 million of funding for initiatives identified by DoD are the core of this amendment. This funding requested by the Administration would provide:

$35 million for integration of the Patriot (PAC–3), Navy Upper and Lower Tier, and THAAD radar systems to allow earlier, more accurate cueing that will increase the effective range of these missile defense systems.

$15 million to accelerate completion of the PAC–3 remote launch capability. Remote launch allows PAC–3 missiles to be deployed at considerable distances from the PAC–3 radars effectively doubling the amount of territory defended.

$40 million for one additional test flight of the PAC–3 and Navy Lower Tier systems to test their capabilities against longer-range missiles such as the Shahab-3 missile that Iran is developing.

$10 million to improve interoperability between the Arrow and U.S. TMD systems.

In addition to providing funding for the programs identified by the Administration, this amendment would also provide $6 million to integrate a variety of sensors and communication systems to provide better, more accurate early warning data from a missile launch, and $45 million to purchase a third radar for the Israeli Arrow system, the first step toward eventually providing a third battery of the system to Israel.

The proposals contained in this amendment enjoy bipartisan support. Last week, the House National Security Committee passed a bill, which is very similar to the amendment I have offered, by a vote of 45 to 0. It is also important to note that the amendment I have offered simply makes $151 million in funding available to the administration. In order for the Administration to use this funding it must designate it as an emergency requirement.

In closing, I thank the distinguished Chairman of the Appropriations Committee, Senator STEVENS for his support and urge my Senate colleagues to support this amendment which will help ensure that the United States and its allies can take meaningful steps to counter the growing threat from Iran's missile program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. 2085

(Purpose: Treatment of Educational Accomplishments of National Guard Challenge Program Participants)

Mr. STEVENS. Mr. President, I have three amendments that have been discussed on both sides of the aisle and have been cleared now. I send to the desk an amendment on behalf of Senator LEAHY; a second amendment proposed by myself and Senators COCHRAN, BOXER, and BUMPERS; and an amendment for Senator MCCAIN that has been cleared.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask that the clerk read only the amendment that I offered for myself and Senator COCHRAN at this time.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. COCHRAN, Mrs. BOXER, and Mr. BUMPERS, proposes an amendment numbered 2085.

The amendment is as follows:

On page 15, after line 21 of the bill insert: "SEC. . Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

Mr. STEVENS. Mr. President, this came to light during a hearing we held in the Defense Subcommittee of our Committee on Appropriations last week. Since that time, I have discussed it with members of the Joint Chiefs of Staff and other members in the armed services.

These young people who go through the Challenge Program get a general equivalent degree, a GED, but under our existing law a person must have a high school diploma to enlist. This amendment covers only those people who come through that program with a GED. They will have spent 20 weeks or more with the National Guard in a semimilitary situation, and they go through and get their GED, which is acceptable to colleges and universities but not acceptable for enlistment in the Armed Forces. Having spent their time with the National Guard in its Challenge Program, many of them really want to continue and go into military service and continue their education as a member of the armed services. We believe that opportunity ought to be there for these young people who have made a commitment to change their lives and who have made a commitment that they want to be part of the military system.

This, as I said, is something that is very limited in scope and only deals with a few hundred people in the country as a whole. But they are people that the Guard has worked with, and they have worked with the Guard.

As I said, that was one of the most impressive hearings that I have conducted in the Defense Appropriations Subcommittee. It was very emotional, really, to listen to these young people who came forward and told us they had problems with drugs, or being members of gangs, and they decided they wanted to change. And they have changed. One young man was in his second year at The Citadel. He got into The Citadel with a GED, but he could not have gotten into the Army, or the Navy, or the Air Force. We think that ought to change.

This provision will change that. I believe it should be adopted. It has been cleared on both sides, and Senator BYRD wishes to be listed as a cosponsor.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. STEVENS. I am pleased to make that request.

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

Mr. STEVENS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2085) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the time being, I ask that the other two amendments I have sent to the desk be held in abeyance.

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

Mr. STEVENS. Mr. President, has the Kyl amendment finally been disposed of?

The PRESIDING OFFICER. It has not been disposed of.

Mr. STEVENS. 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. STEVENS. 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. STEVENS. I ask unanimous consent Senator BOND be listed as a cosponsor of amendment No. 2085.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Madam President, on behalf of Mr. BIDEN, I ask unanimous consent that Mark Tauber, a State Department Pearson Fellow on the Foreign Relations Committee staff, be granted floor privileges for the duration of consideration of S. 1768, the emergency supplemental appropriations bill.

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

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

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

Mr. STEVENS. Mr. President, I am now informed that the Kyl amendment has been cleared on both sides. Is it the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2079) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2092

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2092.

Mr. STEVENS. 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 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B-278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission

under the Commission's Report and Order (FCC 97-157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

Mr. STEVENS. Mr. President, I am informed that this amendment is acceptable on both sides. This substitute is very similar to the original section 2004 of the bill before the Senate. We have made some changes based upon input from several Senators in segments of the telecommunications industry.

This amendment and legislation addresses the fact that the GAO has determined that the Federal Communications Commission established the Schools and Library and Rural Health Care Corporations in violation of the Government Corporations Control Act. That law states that agencies must have specific statutory authority to establish such corporations.

Our bipartisan bill urges the FCC to come to Congress with an acceptable structure. Our effort also mandates that the FCC report to Congress by May 8 of each year on the cost of this program.

Consumers experienced a 4.9 percent rate increase on their business phone bills after initial collections to fund this program. Congress needs to know why rates went up and how we can avoid such an outcome in the future.

I want to personally thank Senators HOLLINGS, MCCAIN, BURNS, DORGAN, and ROCKEFELLER for their help with this amendment. As I said, it has now been found acceptable to both sides as a substitute to the provisions that are in this bill as reported by the committee. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2092) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

Mr. LEAHY. Mr. President, I tell my friend, the senior Senator from Alaska, we have a matter that I think has been somewhat of a regional and local controversy about to be worked out. I advise the distinguished chairman of the Appropriations Committee, I think within a matter of minutes we will be able to move on that.

In the meantime, 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. LEAHY. 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. 2098

Mr. LEAHY. Mr. President, I send an amendment to S. 1768 to the desk on behalf of myself, Mr. ABRAHAM and Mr. LEVIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2098.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

Mr. LEAHY. Mr. President, I am pleased to join my colleagues from the Great Lakes State today to offer an amendment that clarifies an issue that relates to ecological research involving Lake Champlain and its relatives, the Great Lakes of the Midwest.

Almost 10 years ago, I embarked on a campaign to reverse what was the appearance of initial environmental degradation of Lake Champlain. This campaign included access to the research and expertise of the National Oceanic and Atmospheric Administration and the National Sea Grant Program.

When I included Lake Champlain within the definition of the "Great Lakes" for the purpose, and solely for the purpose, of the National Sea Grant Program, that change ignited some regional anxiety in the Midwest, the traditional home of the five Great Lakes. It sparked a geography debate over the last month that has enlightened many a classroom. It certainly enlivened the conversation across many a dinner table, including my own in Middlesex, VT. But it has had the added advantage of even classes that did a poor job of teaching geography now had something with which they could do a good job, and people now know at least where the top northern tier of States are.

My original amendment only modified the term "Great Lakes" for the purpose of the National Sea Grant Program. But it snowballed into concerns that we would have to rewrite our encyclopedias or throw out our atlases. My amendment to the National Sea Grant Program simply allows Vermont colleges that border Lake Champlain to compete for Sea Grant College status and research funds.

Although Vermonters, I must admit to my good friends from the Midwest, and New Englanders have always thought of Lake Champlain as the "sixth Great Lake," because it is the sixth largest body of fresh water in the continental United States, I recognize the historical and emotional significance this definition carries in much of the Midwest where they have the fantastic Great Lakes—Huron, Ontario, Michigan, Erie and Superior. That is why I have been working with my colleagues of the Midwest to ensure their image of the Great Lakes remains intact, while allowing schools in Vermont to compete for research dollars on a level playing field with other schools within the National Sea Grant Program.

Over the last weeks, we have all heard tales of the greatness of Lake Champlain and the Great Lakes. We all agree that these lakes share in the greatness, whether from their common geological history or their shared biological system that supports the diverse flora and fauna in the region.

Lake Champlain is not as large as the Great Lakes of the Midwest, but it has proved its greatness throughout American history. The pivotal Battle of Valcour in 1776 on Lake Champlain was a key element in winning the Revolutionary War, because it turned back the British fleet coming down to resupply their forces. A turning point in the War of 1812 was the Battle of Plattsburg. And last year, the sister ship to the Smithsonian's Philadelphia, Benedict Arnold's gunboat, was discovered intact in Lake Champlain. So, if we expand the National Sea Grant Program to include Lake Champlain, we will be able to preserve the environmental, economic, and historical value of a lake that is a Vermont and a national treasure.

The amendment I am offering today with Senators LEVIN and ABRAHAM clarifies the definition of "Great

Lakes." Representative Fred Upton has also been extremely active and helpful in developing this solution. Senator LEVIN, the new chair of the Great Lakes task force, has made darn sure, as have his other colleagues and friends from the Midwest, that I have read every editorial written in their region. In fact, I expect at some moment to be in front of the blackboard saying, "I shall name"—but, because they are such good friends, and both are on the floor now, they didn't make me do that. But the fact that all of us are offering this amendment together is testimony to the shared understanding and respect for the importance of our lakes to our environment, our economy, and our history.

Unfortunately, while we have that shared interest, we also share some common threats to our lakes. In the last year, we have witnessed the spread of the zebra mussel infestation throughout Lake Champlain, because we connect through the St. Lawrence Seaway, and we share that with the other lakes. These small freshwater pests are threatening native mussels, community water systems, and the network of underwater shipwrecks that make up a rich part of our Nation's history. In fact, scientists forecast that zebra mussels and other invasive species are likely to reach their maximum levels within the next few years.

The zebra mussel represents one of the many connections between the Great Lakes and Lake Champlain, having spread through waterways by boaters who travel among our lakes. We share other concerns such as toxic pollutants, nutrient enrichment and habitat degradation, and these threaten our common fisheries.

For the most part, this Great Lakes debate has not been a dispute among scientists who know the common history and problems facing these lakes, but among politicians and columnists and radio talk show hosts. By pooling all of our resources on freshwater lake research and allowing schools conducting research on Lake Champlain to directly participate in the Sea Grant College Program, we are going to be better prepared to solve these environmental and economic problems. We have already heard from scientists who are excited about the prospect of sharing information and starting joint research projects to address these problems.

Our amendment will build on our existing partnership and ensure the Sea Grant Program protects the water resources, biodiversity, and economic health of the Great Lakes and Lake Champlain.

The purpose of my earlier amendment was not to change any maps but to promote ecological research on the common problems facing our lakes. I understand the symbolic issue this has become with our friends in the Midwest and, because they are my friends, I do not want to create problems for them.

Even though we are the sixth largest lake in this country, we have agreed to call Lake Champlain the cousin instead of a little brother to those larger lakes in the Midwest. But we accomplish our goal of improving the ecological health of our lakes. I think it is a win-win solution that achieves our purposes while skirting the symbolism. We can say, "Mission accomplished," because it means all our lakes will share the benefits of this research about the common problems, like phosphorous runoff, zebra mussels, and mercury pollution. It will help us avoid some of the pollution pitfalls that have stricken other lakes.

In the meantime, it has been a marvelous tourism ad for our beautiful lake. I have never seen so many pictures of Lake Champlain on television ringed by the Adirondack Mountains of New York and the Green Mountains of Vermont. In fact, having watched some more pictures of it today, it makes me all the more homesick. I can't wait to be back home this weekend.

I yield the floor with an invitation to any of my friends from the Midwest, or any other area: Come to Vermont; we would love to have you there.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank Senator LEAHY for offering this amendment. It is a very important amendment to those of us in the Great Lakes for the reasons he has described. His initiative was aimed at making certain that Lake Champlain would be eligible to compete for certain funds. That eligibility is dependent upon Lake Champlain facing a common problem.

There is no reason why Lake Champlain should not be able to compete for funds where they face a common problem with the Great Lakes, such as zebra mussels or contaminated sediments. So that was never the problem. The problem was the redesignation of Lake Champlain as a Great Lake, and that is what created the difficulty.

Basically, what this Leahy amendment does is to reconfirm the historical definition of the Great Lakes. That historical definition of the five Great Lakes is learned by every child in the Great Lakes region. It is HOMES. It is the easy way for our children to learn what the Great Lakes are. HOMES—Lake Huron, Lake Ontario, Lake Michigan, Lake Erie and Lake Superior. Together they spell HOMES. That is a very significant part of our identity in the Great Lakes.

Senator LEAHY, in his amendment this morning and in his words on the floor, recognizes the importance of that historical identity to us, and we are very supportive of this amendment, indeed, have actively helped to create it, to cosponsor it.

I also thank Senator ABRAHAM who has played such an active role in this effort to maintain the Great Lakes as the traditional five Great Lakes. His role has also been critically important, as has the role of the other Great Lakes Senators who have been supportive of this amendment.

There are many, many laws that designate the Great Lakes as the five traditional Great Lakes. Under the Great Lakes Critical Programs Act, for instance, the Great Lakes have been defined as the "five Great Lakes." Under the Great Lakes Water Quality Agreement of 1978, the traditional "five Great Lakes" have been designated. And so forth throughout history, both legislative and geographic, the "five Great Lakes" have been clearly identified as those five Great Lakes that I have just identified.

I want to, again, state that this amendment may hopefully now resolve a controversy. We hope this will pass the House of Representatives. We believe it will. But this is not just a tempest in a teapot for those of us who live in the Great Lakes region. This is a matter of our very identity. The importance of these Great Lakes to us, to our economy, to our ecology, to our environment, and to our recreation is clear. So, in reversing the designation, as this amendment would, continuing Vermont and Lake Champlain as being eligible to compete for funds where there is a common problem is the right way to go.

We thank Senator LEAHY for his recognition of that. All of us who live in the Great Lakes region, I think, are now going to be assured that a traditional definition, which has been so important to us in our identities, will be maintained and will be restored.

Now this language will hopefully pass the House of Representatives, and I am sure with Senator LEAHY's support, it will do so. Again, I thank him, I thank Senator ABRAHAM, and I thank our colleagues from the Great Lakes region for their effort in this legislation.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

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

I rise today with my colleagues in support of the Leahy amendment which includes S. 1873, legislation which I had previously introduced with Senators LEAHY and LEVIN, legislation which will resolve the recent controversy surrounding the designation of Lake Champlain as a Great Lake. Since being signed into law last month, the Sea Grant College Program Act has received a tremendous amount of attention, not for the important research it fosters, but for a single sentence that designated Lake Champlain as a Great Lake for purposes of the bill.

Today's agreement will restore the designation of a "Great Lake" to the

original five. This has been made possible as a result of several weeks of discussion among myself, Senator LEVIN, and Senator LEAHY. I thank them for their efforts. I also thank and draw attention to Congressman FRED UPTON, our Michigan colleague in the House, for his important participation and contributions which have helped us reach this agreement.

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act as passed out of the Commerce Committee last year. This act is an important piece of legislation which supplies crucial funding for research into a host of problems which challenge the health of the Great Lakes, such as zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow Vermont colleges and universities to apply to the Sea Grant programs in the hope of securing research grant dollars for the study of Lake Champlain. This amendment was offered as part of a managers' amendment which addressed a number of technical issues. Unfortunately, it did so in a manner totally unacceptable to the residents of the Great Lakes, in that it named Lake Champlain a "Great Lake."

As my colleague from Michigan indicated, at least in our part of the country, it is a very typical teaching device to have students memorize the names of the Great Lakes by using the acronym HOMES, H-O-M-E-S.

To add another letter to this acronym at this late date, Mr. President, would, in my judgment, not make sense. And I cannot quite figure out what acronym it would be that would be sufficiently memorable for our young people to use this as a study device.

Beyond that, we in Michigan pride ourselves in the fact that our State bears, as its own self-proclaimed motto, "The Great Lake State." Obviously, to the people in Michigan, it is quite important that we remain a State that is in contact with and connected to the Great Lakes.

For those reasons, among many others, great concern was registered, as has been previously noted by editorial writers and educators, and others, about the way the legislation that was passed with respect to Sea Grant colleges might affect the Great Lakes designation for other purposes.

So, Mr. President, although this designation only applied for purposes of the Sea Grant Program Act, it still created a serious perception problem. The residents of the Great Lakes take great pride in the Lakes. In all the world, there is no comparable system of fresh water. Even for the limited purposes outlined in this Sea Grant Program Act, the designation of any lake as a Great Lake beyond the original five was simply unacceptable. So this legislation introduced today strikes any reference to Lake Champlain as a Great Lake.

Yet, Mr. President, it is clear that something needs to be done to help Lake Champlain. While not a Great Lake, it is nevertheless an important body of water that is part of the Great Lakes freshwater system. Outside the obvious differences, Lake Champlain does share a host of similarities with its larger cousins and suffers from many of the same problems present in the five Great Lakes. Zebra mussel infestation is just one of the similarities. Michiganians especially can understand and empathize with Vermont's efforts to battle this invader. For this reason, my colleagues and I have agreed to language which will allow colleges and universities in Vermont to apply for a sea grant program in the same manner that a school in a Great Lakes State would apply.

Specifically, this legislation also makes clear that sea grant funds directed to the study of Lake Champlain are applicable to the Great Lakes system. Because funds directed to Vermont institutions for research on Lake Champlain will also be applicable to the Great Lakes, funding of sea grant research into Great Lakes problems will not be diminished.

So, Mr. President, I am pleased to have introduced this legislation earlier and to support this amendment now, which will reverse the designation of Lake Champlain as a Great Lake and will yet allow Vermont colleges and universities to apply to the Sea Grant Program.

I am pleased that we could come to an agreement with our colleague from Vermont. He is a tireless advocate for his State. The Great Lakes and the St. Lawrence River will benefit from his energy and understanding and support of the Sea Grant Program. And I look forward to working with him and the Great Lakes delegation in the months ahead to facilitate Sea Grant's efforts to preserve and protect the entire Great Lakes system.

Mr. President, before I yield the floor, I would also like to state for the record the names of a number of individuals who cosponsored my bill, which is now being incorporated into this amendment in the supplemental appropriations bill, because I know that they wish to be associated with this effort as we move to the finish line. So in addition to myself and Senators LEVIN and LEAHY, I ask unanimous consent to add on to that legislation as cosponsors Senators SANTORUM, DEWINE, GLENN, COATS, GORTON, and GRAMS.

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

Mr. ABRAHAM. Mr. President, I thank all the Senators for their help and their support of this legislation.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I would like to engage the chair of the Oceans and Fisheries Subcommittee, Senator SNOWE in a colloquy regarding her understanding of the amendment offered by Senator LEAHY and myself on the Sea Grant College Program. The Commerce Committee and its Oceans and Fisheries Subcommittee have jurisdiction over the Sea Grant College Program.

Ms. SNOWE. I would be pleased to join the Senator from Michigan in a colloquy.

Mr. ABRAHAM. The Leahy-Abraham amendment, which is based on a bill that I introduced, deletes the line in the National Sea Grant College Program Act that says "the term 'Great Lakes' includes Lake Champlain." This line was included in the recent reauthorization of the act, and it has caused all of the recent concern on this issue in the Great Lakes region. In lieu of this language, the amendment lists Lake Champlain separately from the Great lakes in the list of water bodies for which Sea Grant projects can be undertaken. It is therefore clear from the amendment that Lake Champlain is not designated a Great Lake under the National Sea Grant College Program Act. Nevertheless, I do think it would be useful to have the chairman of the authorizing subcommittee with jurisdiction over this issue state her understanding of the term "Great Lakes" in the act as it would be amended by our amendment.

Ms. SNOWE. Mr. President, I would be happy to comment on this issue. The Leahy-Abraham amendment makes a clear distinction between the Great Lakes and Lake Champlain. Lake Champlain is not a Great Lake. There are only five Great Lakes—Michigan, Superior, Huron, Ontario, and Erie. The Leahy-Abraham amendment clearly reflects this traditional understanding of the Great Lakes. With passage of the Leahy-Abraham amendment, there should be no doubt that the term "Great Lakes" in the Sea Grant Act means only Michigan, Superior, Huron, Ontario, and Erie.

Mr. ABRAHAM. I thank Senator SNOWE for her comments on this point.

Mr. LEAHY. Mr. President, I know we are about to go into recess. I ask unanimous consent to be able to continue for 3 more minutes.

The PRESIDING OFFICER. Under the previous order, 12:30 was the time to recess. Without objection, the Senator may proceed.

Mr. LEAHY. I thank the Chair.

Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators DEWINE, GLENN, KOHL, and GORTON.

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

Mr. LEAHY. Mr. President, I thank my two friends from Michigan for their efforts on this. The distinguished Senator from Michigan, Mr. ABRAHAM, is on the floor now. We have spent hours

going back and forth. And we are good friends. We talked about this a great deal, as we did with Senator LEVIN, whose office is down the hall from mine. It seems we went back and forth and discussed this over and over again, and the way to do it.

I commend them because they have made it very clear they do not want in any way to hurt the ecology of the environment of Lake Champlain, which is a spectacular lake. They have tried to find a way that they can retain their own identity, a well-deserved identity, and with a remarkable geographic situation with the five lakes. And I think we have ended up with a win-win situation.

So, Mr. President, I thank them for their help. It is one of the nice things about being in the Senate—when you know each other, you can sometimes work out things that would be more difficult otherwise.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2098) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

There being no objection, 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).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(3) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount of budget authority provided that is the dollar equivalent of the Special Drawing Rights with respect to: (1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); and (2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreements Act, as amended from time to time (New Arrangements to Borrow).

I ask unanimous consent to have printed in the RECORD a revision to the budget authority aggregates for fiscal year 1998 contained in section 101 of H. Con. Res. 84.

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

	Budget authority
Current aggregates	1,387,577,000,000
Adjustments	+17,861,000,000
Revised aggregates	1,405,438,000,000

Mr. DOMENICI. Mr. President, I also ask unanimous consent that revisions to the 1998 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act, be printed in the RECORD,

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

	Budget authority	Outlays
CURRENT ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	252,214,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	803,026,000,000	832,433,000,000
ADJUSTMENTS		
Defense discretionary		
Nondefense discretionary	+17,861,000,000	
Violent crime reduction fund		
Mandatory		
Total	+17,861,000,000	
REVISED ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	270,075,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	821,887,000,000	832,433,000,000

Mr. MCCONNELL. Mr. President, it is the desire of the chairman of the Appropriations Committee that we proceed with an amendment to the supplemental to add to the supplemental an agreement painfully worked out over the last few weeks with regard to the IMF new arrangements for borrowing and quota increase.

AMENDMENT NO. 2100

(Purpose: To provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes)

Mr. MCCONNELL. Mr. President, I send an amendment on behalf of Senator STEVENS, myself, Senator HAGEL, and Senator GRAMM of Texas to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. MCCONNELL) for himself, Mr. STEVENS, Mr. HAGEL, and Mr. GRAMM, proposes an amendment numbered 2100.

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

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

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with

the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

Mr. MCCONNELL. Mr. President, I will not propose a time agreement at this point. Rather, let me say with regard to the amendment that after a great deal of work with my colleagues, Senator STEVENS and Senator HAGEL, who spent an endless amount of time on this—and Senator ROBERTS, as well, was heavily involved in it; Senator GRAMM also spent a great amount of time on this; Senator CRAIG of Idaho is on the floor and spent hours on this proposition—

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. MCCONNELL. Yes.

Mr. CRAIG. Let me ask an instructive question, if I might, Mr. President. On page 8 of the amendment, line 13, you will find the word "direct." If the chairman has no difficulty with the removal of that word, I ask unanimous consent that it be stricken from the amendment.

Mr. MCCONNELL. It is my understanding that the Senator from Idaho would like to delete the word "direct."

Mr. CRAIG. That is correct; to read, "have resulted in support to."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. MCCONNELL. Mr. President, I therefore modify the amendment.

The modification to amendment (No. 2100) is as follows:

On page 8, line 13, strike the word "direct".

Mr. CRAIG. I thank the chairman.

Mr. MCCONNELL. I thank the Senator from Idaho and thank him as well for his considerable involvement in this discussion, which led to the final amendment that we have before us.

In addition, Senator BENNETT and Senator FAIRCLOTH were also involved in these discussions, and, of course, the usual and valuable contribution of the ranking member of the subcommittee, Senator LEAHY.

I believe we have produced a tough but fair bill. This bill would change the way IMF does business.

Let me offer some brief highlights of the reforms which we have agreed upon. This bill appropriates funds for

the IMF's emergency facility, the new arrangements to borrow without any restrictions, just as the Senate did, I might add, in the last year, in fiscal year 1998. However, for the new subscription to the IMF, the U.S. funding of the $14.5 billion quota cannot be released—I repeat, cannot be released—unless the Secretary certifies that the group of seven nations have publicly committed and are working toward changing the IMF's lending policies.

The conditions which we expect to see included in future loans tackled the systemic problems which caused the Asian crisis. The bill sets out the two conditions for future IMF agreements.

First, borrowers will have to comply with their international trade obligations and liberalize trade restrictions. Monopolies, protected tariffs for family or friendly enterprises, and off-budget accounts each have contributed to financial weaknesses and collapse in Asia. This legislation will ensure that the IMF meets those problems head on before sinking funds into a troubled economy.

Just as important, the bill attacks phony capitalism. Economies in trouble are often economies which have experienced chronic government manipulation and intervention where ministries subsidize favored individuals or enterprises. As a matter of routine, this bill expects market-distorting subsidies and government-directed lending to good friends rather than good business partners to come to an end.

In addition to setting new conditions for IMF lending, we have improved accountability and transparency in fund operations. Senator HELMS was deeply concerned about the General Accounting Office having access to the IMF decisionmaking process. I believe we have not only addressed this issue, but have also taken a step in the right direction in terms of expanding public access and involvement.

Public access is a problem that Senator LEAHY has drawn attention to for some years, so I especially appreciate his help in moving this bill in the right direction on that issue. As I pointed out in markup back in committee, Treasury only produces reforms and results when Congress requires action in law. While Treasury and the administration would have preferred a blank check, that would have been both unwise as well as unachievable. It was not possible to fund the NAB and Quota now and hope for reforms down the road. Not one of my colleagues was willing to support $18 billion with no strings attached at all.

While the crisis in the Pacific has created a sense of alarm and generated an urgency to passing this bill, I hope everyone understands that not one dime—not one dime of this money is planned for Asia. These funds are being appropriated to take care of some unknown country at some unknown time for unknown purposes. After today, however, what we will know is that IMF lending practices will, in fact, improve. We will know that U.S. resources will not be wasted on corrupt governments. We will know we are not going to subsidize unfair trading practices. In sum, we will know we have permanently and substantially changed the way IMF does business.

Mr. President, that completes my statement. I am going to yield the floor here momentarily. I see my good friend from Nebraska, Senator HAGEL, here. No one has spent more time on this complex question than the distinguished Senator from Nebraska. He has brought to this his usual intellect and energy and has been a very important part of working all this out in a way that I believe is going to improve the way IMF does business in the future.

So with that I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and distinguished colleague, the chairman of the appropriations subcommittee that is handling this piece of legislation. I am grateful.

I might add, Mr. President, there were many people who worked hard, and some even diligently, on this to get an achievable reform package that really would do what the chairman from Kentucky has pointed out it would accomplish. There is not one among us in this body who did not want real reform, nor understand that real reform was required within the IMF structure. That was accomplished. I am proud of what we have done here and how we have done it. I am proud of the product.

Beyond that, I think it is important to recognize that today we live in a global community, anchored by a global economy. Certainly all the markets of the world are important to the United States. Not just farmers and ranchers and small businesspeople, but every person in America is affected when markets go down and when currencies are devalued. Not that the United States should rescue or has the obligation or responsibility to rescue every economy, but we must lead because it is relevant, it is in our best interests, our national interest.

We know that markets respond to confidence. What we are doing here is projecting the leadership that America must project in a global economy and with that is attached a certain amount of confidence. Investors and others around the globe, regardless where they look for those investments and opportunities in stable, secure areas, can do so with some confidence that all nations of the world are interconnected and have some global responsibility for those markets.

I might also add to something the distinguished Senator MCCONNELL from Kentucky mentioned. This is not foreign aid. There is some confusion about that when it is portrayed as a bailout to big bankers and big investors who care little about jeopardizing their own interests, thinking that there is some safety net of taxpayers' dollars under them. This is not a foreign aid bill. This is a process where for 50 years the United States has been essentially on a credit/demand process loaning money into the International Monetary Fund. We are repaid for those loans, and we are repaid with interest for those loans. We can get our money out of the IMF at any moment. The IMF moneys and accounts are backed up by gold reserves. The United States has never lost one dollar on any loan it has made to the IMF. As a matter of fact, it should be pointed out the United States, in fact, in 1978, took advantage of the IMF.

So it is my opinion, and I think the opinion of many of my colleagues, that the IMF can play an important role in the world. It should not be the banker for everyone. It should not be the safety net for every investor, no. But, in a world that is interconnected—and when markets in Asia go down that backs up to every market in America; that we are connected—the IMF institute, and that kind of institution, is important as we trade and become more globally linked.

So I am pleased that I have had an opportunity, along with many of my colleagues who were mentioned by Senator MCCONNELL, to have played a small role in this. I encourage my colleagues to support what has been done here today and what has been agreed upon and the language that is in this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, once again I thank the distinguished Senator from Nebraska. I am told that the other side has cleared, now, a time agreement on this amendment.

So I ask unanimous consent there be a 20-minute time agreement on this amendment.

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

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I am not prepared to speak any further. I don't know whether the Senator from Nebraska would like to speak further or not. Therefore, seeing no one on the floor, 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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Mr. President, I have been around here long enough where I should have realized a quorum call was counting against the 20 minutes. So I think what I will do is ask unanimous consent that there be 20 minutes on this amendment beyond the current time, equally divided.

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

Mr. McCONNELL. Mr. President, the distinguished Senator from North Carolina, an enthusiastic supporter of the compromise that we have worked out—just joking, Mr. President. I am unaware of any opponents of the compromise, other than the distinguished Senator from North Carolina. So I think it would be appropriate to yield him some of the time against the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President, and I thank Senator McCONNELL.

I do not support the IMF compromise because I think it is incredibly weak. I did not support IMF funding out of the committee, and I think it is absolutely sinful to support $14 billion more to go to the IMF. It is everything but an emergency. It probably isn't even needed. In fact, Federal Reserve Chairman Greenspan said there was just the remote possibility of it ever being needed. The IMF is the problem; it is not the cure. Once people realize that, I think they will be in less of a hurry to give them $90 billion.

Further, this has no possibility of ending our international economic problems. There will be other bailouts. The IMF has created a safety net for international lenders. We have put together a corporate welfare project, the likes of which we have never in this world seen. We have privatized the profit, and we have socialized the losses. We are asking today for $18 billion for Asia. Well, it sounds fine. Why don't we go ahead and ask for $40 billion so we can be ready for Russia in 6 months? We might as well have it in reserve.

We do not want to do anything that would inconvenience Mr. Camdessus, who flies around the country in leased jets with 2,000 economists—2,000. On October 25, 1997, his 2,000 economists said that South Korea was an excellent country in superb financial shape, a banking system to really be emulated by the rest of the world, a governance of a country you couldn't improve upon. And before the ink dried on the report, the whole thing was in chaos. If he had had 3,000, he might have done better.

We have said three things had to be done before they could get the money:

They had to comply with international trade agreements that the countries have already signed. One thing.

Two, ensure no crony capitalism;

Three, ensure that foreign borrowers, i.e., U.S. borrowers, were not going to be discriminated against.

How tough would it be for each country to comply with those rules before they get an IMF loan? Obviously, way too tough because we have now weakened the language. The new language says that G–7 countries will require a public commitment. Will somebody tell me what requiring a public commitment means? If it gets weaker than that, it couldn't run off the table.

Anybody who votes for this amendment is voting for corporate welfare of the highest order; we are voting for international banking welfare of the highest order; we are saying to any lending institution anywhere in the world, "Lend anybody anything, 20 percent, 30 percent, whatever rate you can get, and the American taxpayer will bail you out." That is simply what we are doing here. It is the ultimate in bad business, it is the ultimate in foolishness, but we are determined to do it. I intend to vote against it.

Thank you, Mr. President. I yield back my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President. I thank the Senator from Kentucky.

I rise to briefly state my strong support for the $3.5 billion in NAB, the new arrangements to borrow, and also the additional $14.5 billion in replenishment. The conditions attached to this amendment, I believe, are a good compromise based on the Hagel-Gramm-Roberts bill that was introduced last week, which will make the IMF, I believe, work better in the future than it has worked up to now. It is my hope there can be further improvements also in conference.

I thank the majority leader Senator LOTT for his strong leadership and support and also the hard work that Senator HAGEL and Senator ROBERTS, also Senator McCONNELL and Senator Phil GRAMM, Senator MACK of Florida and also Senator CRAIG, among others, who have worked very hard to reach this compromise over the last few days. I really believe the IMF is too important at this time not to replenish, not to continue to show strong American leadership in this area.

The financial crisis of other nations can no longer exist in a vacuum. They affect every other nation as we move closer to a global economy. I encourage the support of my colleagues for this very important amendment.

I thank you very much, Mr. President, and I yield the floor.

Mr. McCONNELL. I yield 4 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

As we debate the issue of increasing the American share in reserve funds of the International Monetary Fund, I think we should first consider the following two questions: Would it make sense for U.S. companies and employees to pay taxes to bail out foreign competitors of American business? Should Americans pay taxes to bail out foreign countries that have engaged in unfair business practices that previously made it difficult for American companies to sell their goods at home and abroad?

The resounding answer to these questions is no. These would, however, be the precise ramifications were Congress to approve IMF funding legislation that does not require all countries who receive IMF loans to engage in just and fair business practices that do not threaten the American companies whose very tax dollars make these IMF contributions possible.

I would like to touch on the recent IMF loan to South Korea, which I believe is a compelling example for why the IMF must be reformed.

By many accounts, South Korea's economic crisis stems in large part from the government's practice of extending favorable loans to industrial conglomerations to rapidly expand in export-oriented sectors. When world markets could not absorb the resulting excess production capacity in these industries, the prices for South Korea's major export products declined, which in turn threatened South Korea's ability to repay these loans.

Such government-directed subsidization for expansion can be seen in the 350 percent debt-to-equity ratio of the three major South Korean semiconductor manufacturers, nearly 10 times the U.S. average. This practice of the government subsidizing rapid industrial expansion in overcrowded industrial sectors has threatened American industry. It has allowed South Korea to sell its products below market costs, jeopardizing American competitors, who operate in a free-market economic structure.

South Korean dumping has been well documented and has resulted in several antidumping rulings against the country's semiconductor conglomerations.

The results of these practices have been devastating for domestic semiconductor producers, including those in Idaho. Take, for example, Micron Technology, America's largest producer of

dynamic random access memory computer chips headquartered in Idaho, which employs more than 10,000 people. From their perspective, a United States-backed IMF loan to South Korea that does not put an end to some of South Korea's unsound and unfair economic practices would mean they would pay taxes to bail out foreign competitors who have engaged in business practices designed to undermine the U.S. semiconductor industry generally, and Micron specifically. American Microsystems, Incorporated, also in Idaho, would suffer from IMF loans that could be used to support their foreign competitors.

So as we consider this funding increase for the IMF, we have a unique opportunity to place some reforms on the IMF which would prevent loans such as the one granted to South Korea from threatening American businesses in the future.

The supplemental appropriations bill that was passed by the Appropriations Committee requires the Secretary of the Treasury to certify that IMF borrowers have to end government lending and subsidies to businesses, as well as comply with all international trade obligations they have made.

In addition, the Secretary of the Treasury would be required to certify that no IMF resources have resulted in supporting the borrower country's semiconductor, steel, automobile, or textile and apparel industries, and that both the IMF and the Treasury Department will strictly monitor these conditions.

These are good steps toward ensuring that IMF money, which is backed largely by the American taxpayer, will not in the future be used to undermine the American businesses and workers who generate this revenue.

Mr. President, that concludes my statement. I want to thank the Senators from Alaska and Kentucky and Nebraska for their leadership on this issue.

Mr. MCCONNELL. I say thank you to the Senator from Idaho.

The PRESIDING OFFICER. The time allocated to the Senator from Kentucky has expired.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the distinguished Senator from Idaho have 2 minutes to address the Senate.

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

Mr. CRAIG. Mr. President, I thank Senator MCCONNELL and Senator HAGEL for the work they have done on reform issues tied with this most critical IMF funding. I must tell you that at the outset I was not a champion of the idea that we bail out anybody—and I am still not. But clearly what we have done here is say to the IMF and to nations who would benefit from their loans that there needs to be the establishment of some clear-cut rules that impact loaning policies and the economy of those countries.

My colleague from Idaho has just spoken to an issue that I think so clearly demonstrates why we need to do what we need to do. Senator KEMPTHORNE and I, for the last several years, have worked in my State with a company that has fought overwhelming odds. They fought a major government of a growing economic power—the Korean Government—and a major industry in Korea. Why? Because of a very cozy relationship between this industry and its government to build an extremely large and excessive capacity to dominate a world market and, therefore, substantially underbid in the market the efficiencies of this company that was leading the world in technology and productivity. We should not allow this nor should we allow the taxpayers of this country to be a part in this bailing out.

Well, we are no longer doing that. We are making a major move to create transparency in the relationships that governments and their banking institutions and private industry in those countries have. That is what will strengthen the Asian economy. That is what will disallow the kind of Asian flu that currently exists, when we can work on equal footing, when all are treated relatively equal in a growing global economy.

That is what strengthens what the Senate is doing today. And clearly, the amendments that Senator MCCONNELL and Senator HAGEL and others have worked on will do just that in bringing about reforms. The United States must have a major voice in this issue.

The IMF and our support of it can, in fact, be that voice to bring about uniformity around the world for all citizens of the world, and certainly the citizens of our country, the banking institutions of our country, but most importantly, the private industry of our country which without Government support and without Government subsidy must compete in a world market where that subsidy and support exists.

So I thank my colleagues for working jointly together to accomplish what I think these amendments, included with the IMF funding, will accomplish.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. I thank the distinguished Senator from Idaho for his important contribution to this compromise.

I say to my chairman, I thought Senator ROBERTS was going to come over. He also was interested in this issue and has been significantly involved in it. But I do not see Senator ROBERTS yet.

Mr. STEVENS. I do commend Senator MCCONNELL, as chairman of the subcommittee, and Senators HAGEL, ROBERTS, KEMPTHORNE, CRAIG, Senator GRAMS of Minnesota, Senator Phil GRAMM of Texas, and my good friend from New Mexico also on this matter. I think it has brought about a better understanding of what we are doing. I must also say that the Secretary of Treasury, Mr. Rubin, has been working with us and helping to iron out this problem. He has had a working relationship with us, which I think bodes well for the future.

Did the Senator from New Mexico wish to say something? Time has expired.

Mr. DOMENICI. Could I speak for 2 minutes? One minute?

Mr. STEVENS. Does the Senator from North Carolina seek time?

Mr. HELMS. A couple minutes.

Mr. STEVENS. I yield back all of the time for the opposition, but ask unanimous consent to convert 4 minutes—2 minutes for the Senator from New Mexico and 2 minutes for the Senator from North Carolina. And that would be the end of the time on this amendment.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman for finding 2 minutes for me.

There are so many Senators who worked on this to get this amendment done with the appropriate reforms that will stand the test of international participation and yet be something that will be accommodating. I do not want to mention names, except I want to mention one freshman Senator—CHUCK HAGEL. I say to Senator HAGEL, it has been a pleasure working with you on this. And I compliment you for your leadership.

Mr. President, fellow Senators, there will be some Senators who disagree with this statement, but I think the final test of how you ought to vote in the Senate is whether the measure before you is the right thing to do. I do not think there is any question that, looking at our country and how we might suffer, if the countries that are in trouble in Asia do not have an opportunity consistent with reasonable reforms to get their economies back as soon as possible, we are going to suffer.

I am already suggesting that inland States, like New Mexico, are suffering immensely by way of layoffs in the computer chip business because of the slowdown in that market.

Now, I do not know that we are smart enough to know how to fix everything that went wrong there, but the amendments and this extension will, indeed, give the international community an opportunity to see if they cannot get vital reforms and make this International Monetary Fund functional and operative as those countries in that part of the world attempt to put their banking system and

their monetary policy back on sound ground.

Ultimately, it will never cost America anything. I do not believe it is going to cost us anything but reserves behind these loans. And participatory arrangements are adequate to cover any obligation that will be forthcoming. But we need a significant reserve. This amendment will let the other countries come in with their part and we will have a significant reserve for the future.

Mr. President, I support the pending amendment to the supplemental appropriations bill, authorizing and providing appropriations to the International Monetary Fund.

Primarily, it is the depletion of funds at the IMF that has brought the urgency of this matter to our attention. There are two funding issues before the Congress in the supplemental request: a $3.5 billion appropriation to the IMF's emergency reserve—the New Arrangements to Borrow, and the periodic appropriation for the US quota subscription, the regular pool of money at the IMF, equal to $14.5 billion.

The Budget Committee in February held a meeting with the Managing Director of the International Monetary Fund, Mr. Michel Camdessus to engage us in a frank discussion about the IMF. What I learned then I hope to share with many members inclined to vote against the IMF funding today.

I know that many Members are very suspicious of foreign aid—but let me explain today why this is not foreign aid and why the Senate should do everything possible to fund the IMF.

First, last Thursday we received the most current economic data and it shows the effects of the ongoing Asian financial crisis. January's US trade deficit surged to $12.0 billion, its highest level since 1987. This was led by a near doubling of our deficit with Asian countries excluding Japan and China.

This is a direct result of the Asian financial crisis—which has cut demand in Asia for U.S. exports. Because of the cheaper Asian currencies against the dollar, now Asian imports are much cheaper and much more competitive in the United States.

Second, the Asian crisis has convinced many of our top technology companies to warn of lower profits, including IBM, Compaq, Intel, Motorola, as well as many smaller companies.

In my state of New Mexico, the result has been announcements by Philips and Motorola that they will furlough or lay off hundreds of employees.

Mr. President, let me explain the problem facing the IMF and why the Senate must act and act quickly.

Presently the IMF has uncommitted resources to lend a further $10 to $15 billion to its members before its liquidity is reduced to historically low levels.

The lowest ratio ever allowed at the IMF by its members was 33%. Historically a comfortable level was 120–140%, but after the Mexico and Russian loans, liquidity fell to 88%. Presently the liquidity ratio is 47%. To lower today's ratio to 33% would require only $10–15 billion in possible loans to countries in crisis.

Mr. President, the 182-members of the IMF decided last year before the Asian crisis that the reserves of the IMF were too low. That was before they lent $20 billion to Korea, $10 billion to Thailand, and $5 billion to Indonesia.

Mr. President, let me be clear about one fact—if the U.S. chooses not to fund our share of the increase, there will be no increases from the other 181 members of the IMF. 85% of current members must increase their quotas for it to be implemented, and since the US holds over 17%, no US participation would guarantee no world participation in the increased funding.

This would mean that any more crises in Asia or other emerging markets, could see the IMF run seriously short of cash. And that is a risk neither America nor the US Senate should take.

While the IMF was created in 1944 originally to support global trade and economic growth by helping maintain stability in the international monetary system, as the monetary system has evolved, so has the IMF's duties.

With the Mexican peso crisis in 1995 and the current Asian financial crisis, this new IMF has become more apparent to all of us.

While the exact economic causes of the Mexico crisis are quite different from Asia, Mexico and Asia have one striking similarity. They represent a major structural change in international capital markets that has occurred over the past decade—the increasing capital flows into and out of emerging economies. Capital flows into emerging markets rose from $25 billion in 1986 to $235 billion in 1996.

Given the potentially destabilizing role of investor confidence especially when directing capital flows, we must ask—what is the role for domestic government policy or the IMF in addressing instability?

Mr. President, the Asian financial crisis has also raised an important policy question for the IMF—whether the Fund's willingness to lend in a crisis contributes to "moral hazard"—the tendency for countries or investors to behave recklessly while expecting the IMF will likely bail them out in an emergency.

There is no consensus on what role private financiers play in such crises and how they should bear the consequences of their actions. The IMF and the US still need to figure out how to safeguard a financial system without bailing out investors who are guilty of making bad decisions.

Mr. President, I believe most Senators can agree on one factor: the IMF is too secretive in its operations and escapes accountability and public debate.

The bill as written by Senator HAGEL would address this concern by requiring greater transparency by the IMF in its lending practices, its strategies with respect to borrowing countries, economic data collection, and its own accounting and financial information.

Demands for greater transparency at the IMF are forthright and appropriate as we consider the supplemental request, and given the IMF's extreme secrecy, this is an important condition we should insist upon for any US dollars spent at any international organization.

Mr. President, as more and more evidence becomes stronger on the long-term benefits of free trade, it is surely time that the IMF does more to promote it. In Senator HAGEL, he specifically addresses this as a condition of the IMF funding.

Immediately the WTO Financial Services Agreement comes to mind—what better way for many of the Asian countries to introduce needed competition to their banking industries than by signing on to the WTO Financial Services Agreement. The WTO and the IMF should be working more closely together to achieve the same goals—economic growth through free trade.

Mr. President, while many US Senators today may debate whether or not we should even have an IMF, a time of crisis such as today in Asia is not the appropriate time for the US to effectively gut the IMF.

Regarding the budgetary treatment of the IMF, the way we count the IMF contributions is a little unusual. Since 1967, the budget has treated contributions to the IMF as budget authority only; contributions to the IMF do not affect outlays or the budget deficit, or surplus. Only since 1980 has the Congress required an appropriation.

Last year's Balanced Budget Agreement specifically addresses the IMF funding until fiscal year 2002 and effectively allows legislation that provides an increase in U.S. contributions to the IMF to not be required to offset the budget authority. Section 314 provides a procedure to adjust the discretionary spending caps and budget totals.

Some in Congress have argued that the IMF is putting the US taxpayer at risk similar to the US savings and loan crisis in the 1980s. There is one stark difference: savings and loan institutions held a US government guarantee. With the IMF, there is no US guarantee in times of default. And even most economists agree that the prospects of an IMF default are negligible. No country has ever defaulted on its IMF loans, arrears on IMF loans are modest, and gold and currency reserves substantially exceed any foreseeable losses in the event of a liquidation.

The IMF has not cost the US Treasury the loss of any federal resources over the years.

In a democracy such as ours, the debate over replenishing the IMF's reserves is the perfect time to debate what role the IMF should play in the global capital market and its accountability to member nations. This is no different than the examination we give to our domestic programs to decide if they are still relevant in today's world.

Mr. President, today's financial world is an uncertain one—but the IMF has been a key component to the stability the United States has enjoyed over the last few years and also a key proponent of many US economic policies around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. Mr. President, thank you for recognizing me.

I think at this point it would be appropriate to insert in the RECORD—and in a moment I shall ask that it be done—a piece written jointly for the Wall Street Journal by three distinguished people, all of whom are friends of most of us: First, Bill Simon, who was Secretary of the Treasury, and George Shultz, who was Secretary of State; and Walter Wriston, who was former chairman of City Bank.

Now, I will make no comment except that I share the views of my distinguished colleague from North Carolina. I ask unanimous consent that the aforementioned article published in the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 3, 1998]

WHO NEEDS THE IMF?

(By George P. Shultz, William E. Simon, and Walter B. Wriston)

President Clinton and the International Monetary Fund have shifted into overdrive in their effort to save the economies of Indonesia, the Philippines, South Korea and Thailand—or, to be more accurate, to save the pocketbooks of international investors who could face a tide of defaults if these markets are not now shored up. But this must be the last time that the IMF acts in this capacity. If it is not, further bailouts, unprecedented in scope, will follow. Therefore, Congress should allocate no further funds to the IMF.

It is the IMF's promise of massive intervention that has spurred a global melt-down of financial markets. When such hysteria sweeps world markets, it becomes more difficult to do what should have been done earlier—namely, to let the private parties most involved share the pain and resolve their difficulties, perhaps with the help of a modest program of public financial support and policy guidance. With the IMF standing in the background ready to bail them out, the parties at interest had little incentive to take these painful, though necessary, steps.

LARGEST BAILOUT EVER

The $118 billion Asian bailout, which may rise to as much as $160 billion, is by far the largest ever undertaken by the IMF. A distant second was the 1995 Mexican bailout, which involved some $30 billion in loans, mostly from the IMF and the U.S. Treasury. The IMF's defenders often tout the Mexican bailout as a success because the Mexican government repaid the loans on schedule. But the Mexican people suffered a massive decline in their standard of living as a result of that crisis. As is typical when the IMF intervenes, the governments and the lenders were rescued, but not the people.

The promise of an IMF bailout insulates financiers and politicians from the consequences of bad economic and financial practices, and encourages investments that would not otherwise have been made. Recall how the Asian crisis came about. Asia's "tiger" economies were performing well, with strong growth, moderate price inflation, fiscal discipline and high rates of saving. But these countries encountered a currency crisis because their governments attempted to maintain an exchange rate pegged to the U.S. dollar, while conducting monetary policies that diverged from that of the U.S. Capital inflows covered up this disparity for a time. But when the Thai currency wobbled on rumors of exchange controls and devaluation, the currency markets quickly swept aside increasingly unrealistic currency values.

This led quickly to a solvency crisis. It became difficult, if not impossible, to repay loans made in foreign currency on time. The devaluations shrank the values of local assets, which were often the product of speculative excesses, unwise ventures directed by government, and crony capitalism. The private lenders and borrowers involved were in deep trouble. They were, and are, more than ready for money from the IMF.

The world financial system has changed fundamentally since 1946, when the Bretton Woods agreement was approved. The gold standard has been replaced by the information standard, an iron discipline that no government can evade. Foreign exchange rates are now set by tens of thousands of traders at computer terminals around the globe. Their judgments about monetary and economic policies are instantly translated in the cross rates of currencies.

No country can hide from the new global information standard—but the IMF can lull nations into complacency by acting as the self-appointed lender of last resort, a function never contemplated by its founders. When the day of reckoning finally does arrive, the needed financial reforms are extremely difficult politically because they are imposed by the IMF under duress, rather than undertaken by the countries themselves. The photograph, widely published throughout Asia, of Indonesian President Soeharto signing on to IMF conditions with IMF Managing Director Michael Camdessus standing over him imperiously reinforces the perception of an outside institution dictating policy to a sovereign government.

Even though the IMF recognizes the causes of the crises and conditions its loans on remedial measures, many observers believe that these remedies often make the situation worse. In any event they are rarely carried out in a timely fashion. There are already indications that several Asian countries have violated the terms of their agreements. Furthermore, IMF-prescribed tax increases and austerity will cause pain for the people of these nations, producing a backlash against the West. There is already talk of a conspiracy to beat down Asian asset values in order to provide bargains and control for Western investors.

And yet, because these countries are able to avoid fundamental economic reforms, their currencies continue to collapse. Indonesia, South Korea and Thailand have each seen their currencies lose more than half their value against the U.S. dollar in recent weeks, despite the promised IMF bailouts. The loans from the IMF are, in fact, trivial when compared to the size of the international currency market, in which some $2 trillion is traded daily. These markets' instant verdicts on unsound economic and financial policies overwhelm the feeble efforts of politicians and bureaucrats.

The IMF's efforts are, however, effective in distorting the international investment market. Every investment has an associated risk, and investors seeking higher returns must accept higher risks. The IMF interferes with this fundamental market mechanism by encouraging investors to seek out risky markets on the assumption that if their investments turn sour, they still stand a good chance of getting their money back through IMF bailouts. This kind of interference will only encourage more crises.

Asian nations are facing financial difficulties not because outside forces have imposed bad economic policies on them but because they have imposed these policies on themselves. The issue is not whether the IMF can move from country to country dispensing financial and economic medicine. The issue is whether the governments in these countries have the political will to fix problems of their own making.

What should we do about the problem? We certainly shouldn't follow the advice of George Soros, a well known figure in the international currency markets, who has called for the creation of a new International Credit Insurance Corporation to be underwritten by taxpayers of the member countries. The new institution, which would operate in tandem with the IMF, would guarantee international loans up to a point deemed safe by the bureaucrats running the organization. "The private sector is ill-suited to allocate international credit," Mr. Soros writes in the Financial Times. "It provides either too little or too much. It does not have the information with which to form a balanced judgment."

APPALLING COMMENT

When will we ever learn? This appalling comment is exactly the opposite of the truth. The protected markets, not the open ones, are in trouble. Only the market, with its millions of interested participants, is capable of generating the information needed to make sound financial decisions and to allocate credit (or any other resource) efficiently and rationally. Governments and politically directed institutions like the IMF have shown time and again that they are incapable of making these kinds of decisions without creating the kinds of crises we are now facing in Asia.

The IMF is ineffective, unnecessary and obsolete. We do not need another IMF, as Mr. Soros recommends. Once the Asian crisis is over, we should abolish the one we have.

Mr. HELMS. I thank the Chair.

Mr. STEVENS. Is all time now expired on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. STEVENS. Mr. President, we had a request not to go to a vote yet because of other circumstances and the presence of Members. I ask unanimous consent that this amendment be set

aside to be called up by either the majority leader or myself when it is time to vote.

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

Mr. STEVENS. Mr. President, I do have more amendments I want to take right away, but 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. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors of amendment No. 2085 relating to the National Guard Youth Challenge Program: Senators LOTT, BOND, and FORD.

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

AMENDMENT NO. 2101

(Purpose: To expedite consideration of slot exemption requests)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator FRIST and Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FRIST, for himself and Mr. BYRD, proposes an amendment numbered 2101.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

Mr. STEVENS. Mr. President, this has been agreed to. It is an amendment that deals with slots at airports for commuter airlines. And it is a problem that, as I said, has been agreed to on both sides.

Mr. President, I urge the adoption of Senator FRIST's and Senator BYRD's amendment.

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

If there is no objection, the amendment is agreed to.

The amendment (No. 2101) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, the Senator from Washington, Mr. GORTON, will offer an amendment to the IMF title of the bill. I will ask unanimous consent that there be a time agreement on that amendment. He can explain the amendment.

I ask unanimous consent that we have a 15-minute-per-side time agreement and that the vote on the Gorton amendment follow after the vote on the IMF amendment that has been set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Washington is recognized.

AMENDMENT NO. 2102

(Purpose: To limit International Monetary Fund loans to Indonesia.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 2102.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Mr. GORTON. Mr. President, I speak to you and my colleagues here today as a supporter of the International Monetary Fund. I believe that the crisis in Southeast Asia is one that is important to the economy of the United States, and that those nations in Southeast Asia that are in great financial difficulty can be helped to work their own way out of these economic difficulties by the kind of prescriptions to which the International Monetary Fund has subjected them. One of those nations, South Korea, is bound to us by the close-as-possible ties of blood and sentiment over almost half a century and, reflecting the views of the people of the United States, has become a free market and a democracy.

Another of those nations, the Philippine Republic, has been tied to us for a full century and has struggled in the direction of free markets and of a democracy during that period of time. Today, it is a rather considerable success at both.

Thailand and Malaysia are trying, with great difficulty, to meet the financial challenges with which they have been faced.

One nation, however, does not fall into any of these categories. In Indonesia, President Soeharto is a wholly owned family enterprise. Its economy—behind those of all the other nations in Southeast Asia, from the point of view of the degree to which its benefits have been distributed among its people—is corrupt, undemocratic, and designed to primarily, it seems, at least through its economy, to benefit the immediate family and the close friends and henchmen of the now seven-term President of Indonesia, Mr. Soeharto. Indonesia has resisted, at every turn, the prescriptions that the International Monetary Fund has laid down for the recovery of its economy. As a consequence, I believe, and I believe firmly, that we in the United States should not bow to the will of this dictator, should not say that requirements that are being imposed on other nations that are trying, with great difficulties, to work their way out, with democratic institutions in place in those countries, should not be imposed on Indonesia.

This amendment is quite simple. It doesn't attempt to dictate to the International Monetary Fund what it does, but it does direct our Secretary of the Treasury to instruct our representative on the International Monetary Fund to use the voice and vote of the United

States to prevent the extension by the International Monetary Fund of loans or credits that would personally benefit the President of Indonesia or any member of the President's family or benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Now, I understand, curiously enough, that there are those who object to this amendment on the grounds that that covers everything in Indonesia, that every institution that would be helped is owned, in whole or in part, by the President or by members of his family. In my view, that is the best possible argument in favor of this amendment. We have a financial structure in that country that has been built up to benefit the family of the President and his close associates, and only them. While my heart goes out to the people of Indonesia, I believe that if there is to be any International Monetary Fund aid to Indonesia with the consent and help of the United States, it should be to the people and not to the family of the President.

Essentially, Mr. President, that is what this amendment says—neither more nor less. We should not use our credits in the International Monetary Fund, with our vote, to bail out a President whose sole interest seems to be in the aggrandizement of his own family, who is indifferent to the requirements that the International Monetary Fund has laid out to them, who has caused the crisis in his country to become much worse, sharply worse, as a result of his inaction than it would have been had he followed the requirements of the IMF some time ago. We should not lend ourselves to his intransigence in any respect whatsoever, Mr. President. As a consequence, I ask my colleagues to support the amendment. I will reserve the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? The time will be deducted equally if no one yields time.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

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

AMENDMENT NO. 2103

(Purpose: To provide for an Education Stabilization Fund)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 2103.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. ___. EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

Mr. FAIRCLOTH. Mr. President, this amendment would transfer $5 billion from the Exchange Stabilization Fund at the Treasury Department to the Department of Education. There would be a new account established, the Education Stabilization Fund. This fund would be used to offer low-interest, long-term loans to States for the purpose of building and modernizing elementary and secondary schools.

The GAO has estimated that one-third of all schools, housing 14 million students, are in need of repair. In my home State of North Carolina, 36 percent of schools report they have at least one inadequate building, 90 percent of the schools report that they have construction needs up from $3.5 million to $10 million. We have a fast-growing student population, and many, many students are housed in trailers—literally hundreds of thousands are housed in trailers.

The purpose of this amendment is very simple. We have a slush fund at the Treasury Department called the Exchange Stabilization Fund. This fund is under the personal control of the Secretary of the Treasury. He can do whatever he wants with it. I think this is totally wrong. What has the Secretary done with the fund? Over the last 4 years, he has used it to supplement international bailouts, which was never the original intent for the funds. He loaned Mexico $12 billion. He promised Indonesia—which the Senator from Washington was just talking about—$3 billion. He has promised South Korea $5 billion, and everything indicates that Korea is going to call for

the money quickly. He has done all of this without any congressional approval or authorization.

This fund has over $30 billion available in it. It seems to be only common sense that if we can lend to Indonesia $3 billion, $5 billion to Korea, $12 billion to Mexico, and who knows where in the future it will be going, without any advice or consent from the Congress, then we can provide loans for school construction. I don't see how we can do otherwise.

The President had wanted $20 billion in new tax-free bonds. But with this amendment, we can start immediately with $5 billion in loans to schools. This would be loans, and it would have no budget impact. This is not an outlay; it's a revolving loan fund.

I urge all my colleagues to support the amendment. Mr. President, if we can provide $18 billion for the IMF, we can provide $5 billion for our schools.

I ask for the yeas and nays on the amendment, with the time for the vote to be determined by the manager of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. FAIRCLOTH. Mr. President, we will hold until we get a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from North Carolina.

Mr. GRAMM. Mr. President, let me ask unanimous consent that the amendment of the Senator from North Carolina be temporarily set aside so that Senator SANTORUM and I might offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2104

(Purpose: To ensure that the surplus in fiscal years 1999 through 2003, proposed by the President to be dedicated to save Social Security, will not be lowered by the enactment of this Act)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. SANTORUM, proposes an amendment numbered 2104.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

Mr. GRAMM. Mr. President, I am very happy to come over here this afternoon and be joined by my distinguished colleague from Pennsylvania in alerting the American people. I say the American people rather than alerting the Senate because I don't think the Senate wants to be alerted to a fraud that we continually perpetrate on the American people. That fraud is that we set out spending limits, we adopt budgets, and we know with absolute certainty that the way we define emergencies, floods, hurricanes—many things that are natural disasters—but the way we define emergencies is we know with certainty that every year we are going to have emergencies, and, yet, we don't put any money in the budget for that purpose.

So, for example, since Bill Clinton has been President, we have averaged $7.3 billion in emergency spending every single year. There was a time when we wrote budgets and we set aside money for the purpose of paying for natural disasters, because in a big country like America we know with absolute certainty that we are going to have natural disasters and that we are going to have to pay for them. In fact, we have averaged over the last 7 years on natural disasters $5.6 billion in spending. We have spent that amount every year on average for the last 7 years. Yet, during this time we have provided no money in the budget for this purpose.

So what we play is a little game. Here is how the game works:

The President stands before the American people in the Chamber of the House of Representatives, and says "Put Social Security first." Don't spend the surplus. Take that surplus and put it into Social Security. We all stand and we have a standing ovation. And the lead story in the Washington Post and on every network is "President Says Put Social Security First."

So the American people believe that the projected surplus in the President's budget that has come to the Congress and that shows a surplus of about $8 billion next year—people really believe that we are setting that aside to help save Social Security. And then at the same time, the President sends a disaster bill to Congress, says don't pay for it, simply take it out of the surplus, which has the effect of taking the money away from Social Security and has the effect of allowing us every single year to bust the budget that we have adopted.

The first point I would like to make is these are not unexpected expenses. In fact, I would like to predict right now that this won't be the last disaster bill we will have this year. This disaster bill, as it stands now, is for $2.6 billion, and we will end up spending at least twice this amount this year. And we will take every penny of it from the surplus, and we will take every penny of it, therefore, away from our effort to save and to rebuild the financial base of Social Security because we will not pay for this bill.

The second thing I want to note is there is a lot in this bill that is not an emergency; that is not unexpected. The President is now asking us to pay for the cost of having troops in Bosnia. Is anybody shocked that a bill was going to come due over the Bosnian deployment? Everybody knew this bill was going to come due. Why didn't we, the Senate and the President, provide the money in the appropriations bill for the Defense Department? We didn't provide it in the appropriations bill because we decided to cheat and not put the money in the appropriations bill, knowing that we would come back here today and that we would add that money in, and, as a result, we wouldn't have to count it against the budget and we could simply take it from the surplus.

We have a bill before us that has an emergency designation, and it has two kinds of outlays. It has outlays that are going to occur for the remainder of this year. Then it has outlays that will occur in 1999 and then on out through the year 2003.

The Senator from Pennsylvania and I have a very modest amendment. What we ought to be doing is paying for every bit of this spending because we knew every bit of it was coming. This is a shell game that we play every single year, which is why people are totally skeptical, as they should be, about our whole budget process. But while we should be paying for every bit of it, we know that we don't have the votes to do that.

So here is what we are saying. Take the money that we are going to spend this year and spend it and don't offset it. But the money that will be spent under this bill in 1999, 2000, 2001, 2002, and 2003, over that 5-year period, don't have an emergency designation for that spending, which means it will have to count against the spending caps in 1999.

For 1999, we have spending caps for discretionary spending, nondefense, and for the Defense Department. We

are spending under this bill $1.979 over a 5-year period, and we are spending $1.5 billion in 1999—not this year, but next year.

So what we are saying is spend the money but then count the money as part of next year's budget and against next year's spending cap so you can't commit today to spend next year, and not then commit to count it against the budget.

So the issue here is simple and straightforward. Should we count these outlays as part of the Federal budget next year when the expenditures occur next year and each year through the year 2003? I believe we should. Some of our colleagues are going to say, "Well, you know we can't make cuts this year because we would have to interrupt the expenditures of the various Government agencies that are spending money and we are halfway or more through the fiscal year." We are not talking about this year. We are talking about spending money in 1999. We have not even written the budget for 1999 yet. All we are saying is when we do write the budget in 1999, take the money we are spending under this bill in that year and count it as part of the money being spent that year. That way the surplus does not go down. That way we do not take money away from Social Security.

So I see this as being a test of whether all that rhetoric that the President said about putting Social Security first was phony or not. The fact that the President sent this bill with an emergency designation that said we are going to spend the Social Security money next year through this bill—that says, to begin with, that his position was phony. But now we are questioning whether or not the Senate is phony on this issue. Do we want to take money that is designated to save Social Security and spend it next year and for the remaining 4 years that this bill will spend out, or do we want to count that money against the budgets in those years so the surplus we expect can be used to save Social Security?

That is what this amendment is about.

So if you meant it when you stood up and applauded the President when he said "Put Social Security first," then you are going to want to vote for the amendment that I am offering with Senator SANTORUM. On the other hand, if that was your position then and now is another day and you are for it in the abstract, but when it gets down to spending the money you are not for that, then you are going to want to vote against this amendment.

So I yield the floor to let my cosponsor speak.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the Senator from Texas did an excellent job of outlining the amendment. I think his comments are very persuasive. Let me add one element to the veracity of the comments of the Senator from Texas.

He said this bill has some $2.5 billion for offset emergencies. He said but on average, about this fiscal year, that we will get up to five. There was discussion in the Cloakroom about an amendment to add another $1.6 billion of emergency spending. So maybe before the day is out, as opposed to before the year is out, we will get to our $5 billion in emergency spending for this year.

When I say "emergency," people tend to think when you hear the term "emergency," an ambulance, or something that has to be done right away. A lot of these things don't have to be done right away. As the Senator from Texas laid out, a lot of this spending doesn't get spent right away. It gets spent in the long term.

What we are trying to do is say, look, if you have an emergency now, we have to spend the money now. We are in the middle of the fiscal year. We understand that to go back and ask to try to offset this money within the FEMA budget, or the Defense Department, or wherever the other spending proposals come from, would be very difficult. We understand the difficulty in these departments.

But there is no reason why our good friends, the appropriators, cannot within the context of this year's budget for this additional spending that we are going to pass today and appropriate today—whether they can't put it within their appropriations amounts for the fiscal year. That is responsible budgeting. That is, in fact, truth in budgeting.

The Senator from Texas is right about the issue of Social Security. I chair the leader's task force on the issue of Social Security here in the Senate. I was one of those people who stood up and applauded the President for saying "Save Social Security First." Use that money, use that surplus out there to direct the Social Security to save the Social Security system in the future.

If we are going to box this money, remember, we said we are going to put this money and set it aside. Well, here is the money. Here is the money. Here are those first few dollars that we had planned to set aside. They want to spend it right now.

That is not a good-faith promise to the American public. We know the President is not going to keep his promises. But that doesn't mean we shouldn't keep our promises.

I noticed, because I was watching across the aisle, that every single one of my Democratic colleagues jumped up when the President said "save Social Security first." Use that money that is there, that surplus that is coming down the road, and use that to save Social Security. They jumped up, and said, "Yes; we are going to use that money to save Social Security."

Here is the first vote of whether we are going to use the surplus to help transition for future generations the Social Security system, or whether we are going to use it for current political needs.

I will be honest with you. These are not emergency needs in the real sense of the word. These are not unpredictable needs. As the Senator from Texas said, with respect to defense, I think most Members of the Senate knew we were going to be in Bosnia. I certainly believe the President knew we were going to be in Bosnia. He certainly knew the costs associated with being in Bosnia. I think the President and the people at FEMA and the people here in the Senate knew that the money we appropriated for disasters was not going to be sufficient to be able to fund it. It has not been for the past 7 or 8 years that I can recollect since I have been here. We have always, or seemingly, had some money—some years more, some years less—for disasters, natural disasters that are out there because we never adequately appropriated.

I have to say I took my hat off to the Senator from Missouri, Senator BOND. That is his subcommittee. He has done a tremendous amount of work in trying to get FEMA to come forward with reforms so we don't have this open spigot where the money just flows out of here for natural disasters in some places not particularly well-accounted for. He has done a great job, and, in fact, has a bill before the Environment and Public Works Committee, I believe, to make some reforms in FEMA so we aren't back here every year with the President having this wide latitude to declare emergencies and spend all sorts of money outside of the confines of what we believe emergencies should be.

So we have hopefully in place some tools in the future to control the growth or the expansion of these emergencies we have to end up dealing with. But the issue before us now is a very simple one. It is one that I hope we can agree to because it does not affect current outlays, it does not affect the current year budget, and it doesn't put any pain on the administration to come up with money in this year's budget cycle.

I had a meeting the other day with the Chief of Naval Operations. He told me that as a result of the operations they deployed—whether it is the gulf, Korea, or Bosnia, or whatever—because of these extended deployments that they have had they have had to continually reprogram—not money; they can find the money other places within the Defense Department—he is spending more of his time doing bookkeeping or reprogramming money than he is out there leading our sailors. That is not a

good position for our CNO to be in. We want him to pay attention, not just to the accounting within the service, but how we are going to be an effective fighting force.

So I understand the problems and the concerns. Senator GRAMM's amendment and my amendment deals with the issue of not making the CNO go back and find money and shift it all around, but it says: Declare the emergency. You have the money this year, but in future years when we do have an opportunity to put it in context, keep it under the caps.

I know the caps are tough. I know Senator GRAMM and I, as well as every Member of the Senate, will come to the chairman of the Appropriations Committee and say: Mr. Chairman, I am going to need help for this project, or I am going to need this—and I understand that. But I also expect him to do it within the caps, as I expect him to do this within the caps for future year funding.

If we do not do that, then that downpayment on transitioning Social Security, that downpayment on creating that pool of money that is going to be so crucial for us to begin to develop a system in Social Security which is going to allow that transition for future generations of Americans to have some hope, some hope that Social Security will be there when they retire, will be frittered away, and all the promises that were made about how we are going to put Social Security first will go by the wayside when some other thing comes up first.

I suspect this will not be the last time we do this. We will be back with another emergency bill, I am sure, before the end of the year, and we will have other plans. The President in his budget already has spent some of the surplus with overprojecting his revenues and underprojecting his expenditures, and so the surplus has already been eaten up.

Look, I think there is a sincere feeling in this Chamber actually to take the surpluses that we are expecting in the next few years and use them for Social Security. I believe my colleagues, when they say that is what they would like to do with it, that they would like to save Social Security first, we can say that and we can mean it, but we have to do something to ensure that it is there. We have to make sure we are not robbing future generations with appropriations bills, year-to-year appropriations bills, spending more than the caps and thereby winnowing away that surplus.

This is our first opportunity to stand up and say we are going to live within the budget and thereby, living within the budget, we will have money available to do what is right for the American public and that is create a Social Security system that will be there for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alaska.

Mr. STEVENS. Mr. President, to begin with, let me say to my friend from Texas, I hope he will never again say that this Senator brought a bill to the floor to cheat. If he wants to start arguments here sometime, this Senator is fairly well ready for that. But I will just put that aside for now and discuss the merits of the issue that the Senator has brought to the Senate.

We have followed the Budget Act. If you look at our report that we filed with the Senate, on page 36, Members of the Senate will see the 5-year projection of outlays is in compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 as amended. We have provided the 5-year projection associated with the budget authority that we provide in this bill. There are, in fact, follow-on costs for the outlays for moneys that are expended this year. They have to continue to spend for a period of years, and the Budget Act requires us to do this. It requires us not only to do it but to inform the Senate how much it is going to cost. There has been no cheating here. As a matter of fact, we have gone out of our way to make certain we have complied to the exact letter and dot and paragraph of that bill.

Now, I want the Senate to know the effect of this amendment was just the contrary to what the Senator from Pennsylvania said. If we do not provide this money on the basis of ongoing accounts based upon the emergency that exists now, every year subsequently, when there are amounts to be expended, the commanders will have to do the reverse of what the Senator from Pennsylvania said. They will have to take something out of their budget. Remember, we have a flat line budget now for 5 years. They will have to take something out to accommodate for an emergency that existed in 1998. We are providing money pursuant to the President's designation of an emergency, primarily for Southwest Asia and for Bosnia.

There are ongoing costs to this emergency. We have deployed people to Kuwait City and to the Persian Gulf. When the emergency is over, they will have to be brought back. Those costs are part of the emergency. But under the amendment of the Senator from Texas, they will be part of the normal operating costs of that year, and it will be just that much less available for training or for acquisition, for procurement of various items. Whatever the bill authorizes that year, these moneys will have to come out first because they have already been obligated first.

For instance, the Department of Defense estimates that it will cost $250 million to redeploy these forces that went to Southwest Asia. Once they are redeployed to the United States, they are reconstituted in their units, and that cost of reassociating with various units, the total cost of that is $250 million. That is still part of the emergency. That is not something that is just a normal event taking place in subsequent years, in the year 1999 or the year 2000. The impact of what the Senator from Texas has suggested would be to say: "The President can declare an emergency and have the funds not be counted for this year only" means that the emergency is over on September 30. Right? Wrong. Even if the deployment stopped at the end of September 30—I hope it will stop sooner—there would be ongoing costs associated with the emergency, and that is what we have covered as the Budget Act requires us to cover.

If this emergency designation is lifted, what are the consequences in 1999? We go into 1999, according to the CBO, with a $3.7 billion outlay deficit. What the Senator from Texas is saying is, notwithstanding that, we are going to add all the costs associated with the emergency from 1998 that are actually paid in 1999. If you talk about complicating the bookkeeping of the Department of Defense, I don't know of any better way to do it. If there is $400 million that remains unobligated as of September 30, and it pays out in 1999, CBO is going to score that $400 million for 1999. Even though it was an obligation that came about because of the 1998 emergency, and it is spent in 1999, we are going to have to take $400 million out. I wonder how many things are going to come out of Texas or Pennsylvania if that happens.

I am not going to do it because that is over to the Department of Defense. But I can assure you that any State involved that has outlays is going to suffer, and the program will be reduced. Accommodating this amendment will bring about $2 billion in 1999 of budget authority being utilized because it will take the outlays for that year based upon procurement rates of outlays and say you cannot start $2 billion worth of acquisitions because of an emergency that happened in 1998. We should tell the Department of Defense, cancel the F-18s, cancel the ships, cancel whatever it is we are going to try to procure. I am talking about procurement outlays, which are the ones that are going to suffer the most.

Mr. President, we have in this proposal—the Budget Act is very wise, really. There is an incentive to manage the money correctly, to not wish to spend it before the end of this year. The effect of the Senator's amendment would be if you can get the money spent before the end of the fiscal year, then you can take it all off this year, it doesn't count. But if you take anything into the next year, guess what. It counts against your next year's outlay allowance. So what does that do? It is

a rush to the cash register for September 30; a total disincentive to manage money right.

I have seen amendments that have been brought to the floor that attempted to reconstruct the whole apparatus of the Budget Act, and I have to say I have some problems with the Budget Act, and the Senate will hear about those later with regard to scoring. But this is not one of them. The Budget Act was correct. When we have an emergency or a disaster—this would cover the disaster money too, by the way.

I don't quite understand what they are doing, because we have disasters. When we had our great earthquake in 1964, we did not pay for some of those things that we had to do until 1966. Look at what is going on in Georgia right now, and Mississippi and Alabama. Does anyone think that all of those levees are going to be reconstructed by September 30? I want the Senate to start thinking, and, above all, I want to say again, I want the Senator from Texas to be careful when he accuses this Senator of cheating with an appropriations bill. That does not go down lightly with me.

I remember the days before when I saw majority Members arguing, and I can tell you the majority didn't last very long. The majority doesn't last very long when people come out and accuse chairmen of motives that are just absolutely unfounded.

Mr. President, at the appropriate time I will move to table the Senator's amendment. I can tell the Senate I will remember the Senators who do not vote to table this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I want to answer the question about the cheating. I said the Senate and the President were cheating on a commitment that we made, and I stand by that point. I don't single any Senator out in the process. But the bottom line is, facts are stubborn things. Let me review the facts.

Eight weeks ago today the President of the United States stood at the Speaker's table at the House of Representatives, we were all there, and talked about the fact that we were about to have a surplus. And he used his words, great slogan—he has no program, as we know, but he has a great slogan—save Social Security first. We are going to have a program to save Social Security. In fact, there are three Members right here on the floor who are working on one.

But we can't save Social Security if we don't have the money. So, when the President said "save Social Security first, take the surplus and use it to save Social Security," there was an eruption of applause. We all stood up. We all applauded. And now we are in the process on this bill of taking $1,979,000,000 away from Social Security, money that would have gone to help us make the system solvent not just for our parents but for our children, and we are taking it away from Social Security because we are going around the budget.

The Senator from Alaska points out that we have had floods, we have had disasters. No one is saying not to provide the help.

Our amendment provides the assistance. We are for the assistance. But what we are saying is give the assistance this year and we won't even make you pay for it this year. But this bill spends money not just this year but for the next 5 years. All we are saying is, the money that will be spent next year and through the year 2003, count it as part of the budgets in those years.

Our colleague from Alaska tells us, "Well, the departments will have to change their budgets next year and in 2000 and 2001 and 2002 and 2003" if we make them count spending that they are incurring in those years. How many families have the option when Johnny falls down the steps and breaks his arm and they have to take Johnny to the emergency room and they have to have the arm set can say, "Well, now, we have already planned our vacation next year. We were going to buy a new refrigerator. You can't expect us to go back now and change our budget and not buy a refrigerator because Johnny broke his arm." That would be a great world for real Americans to be able to say, "Well, you know, we had planned on this and this thing happened and we don't want to have to change our plans."

The point is real American families change their plans every single day. So, far from being this outrageous proposal that is going to put great hardship on the American Government, we are not saying don't fund the emergencies; we are saying fund it. What we are saying is that we should pay for them. We are not even asking that they be paid for this year, but we are saying when you haven't even written the budget yet for 1999, why should you spend $1.533 billion next year and not even count it in next year's budget?

Finally, let me say that with regard to projects in Texas and Pennsylvania, I never thought we were going to balance the budget without making tough decisions. If we have to affect defense spending or nondefense spending in all 50 States and the District of Columbia to balance the budget and save Social Security, I thought that's what we were about.

But this amendment is eminently reasonable. You can be for it or you can be against it. Both those positions are perfectly legitimate. But you cannot say that we are going to use the surplus to save Social Security and put Social Security first and defend the surplus as the President has said and then turn around, as the President has done, and start spending the surplus, which he did when he sent this bill to Congress without offsetting spending. You can't do that and claim that you are serious about wanting to protect the surplus. You can't have it both ways. You can be for all these programs, you can be for this emergency spending without offsetting it, but you can't turn around and say that you are living up to the commitment that we have made.

So this is a serious issue. It seems every year that I and others end up offering these amendments saying we know there are going to be emergencies, we ought to be setting aside the money as we used to.

Let me just read you these numbers. Last year, we had $5.4 billion of emergency spending that we added directly to the deficit, some of it being spent this moment. The year before, we added $6.4 billion, the year before $10.1 billion, the year before $9 billion and the year before that $5.4 billion.

When we go back to 1991 and 1992, the numbers were pretty small, but beginning in the Clinton administration, we have averaged, if you take the actual outlays, $7.3 billion of emergency spending every single year since Bill Clinton has been President.

Now, did any of these expenditures occur because we had no way of anticipating they would occur? Absolutely not. We knew there were going to be emergencies. America is a big country, and we have emergencies every single year. But we set aside no money for the purpose of paying for them. How can anybody call the Bosnian deployment a new, unexpected emergency this year? Why didn't the President put the money in his budget last year? He didn't do it because it was a way of jimmying the books. It was a way of spending money without saying he was spending it, knowing that we would pay for it in a supplemental appropriation. And I can tell you what will happen this year. We will not provide money for Bosnia in the defense bill, and we will do the same thing again next year.

So here is the point: We do have the power under the Budget Act, with the compliance of the President and Congress, to spend the surplus. We have the power to do that by declaring an emergency. What Senator SANTORUM and I are saying is declare an emergency for spending this year, but the spending that is going to occur in 1999, 2000, 2001, 2002, and 2003, for the money that will be spent under this bill all the way out 5 years from now, go ahead and build that into the regular budget so that we don't raise total spending in those years from this bill and so that the surplus in those years that we are counting on for a budget that we have not yet brought to the floor of the Congress, but money we are counting on to

put Social Security first, will actually be there to put Social Security first.

So that is what we are trying to do in this amendment. It is an amendment you can be for or against, but it is not very confusing. It basically says pay for these programs. We don't have to. We, obviously, have the power not to, and we haven't in any year since Bill Clinton has been President. Not that we haven't voted on it. We voted on it regular like clockwork. I or another Senator have offered an amendment to each and every one of them, and all of these amendments have failed. But the point is we have it within the power to pay for them, and I hope we will pay for them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the law we passed in August 1997, Public Law 105-33, contains this provision, which is the one I referred to before, but I want to read it now. It pertains to sequestration. When the OMB determines spending—they determine whether we lived up to the caps that are in the budget agreement—it first is instructed to examine those budgets. What it says is this:

OMB shall calculate in the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31, United States Code, shall include adjustments to discretionary spending limits and those limits as adjusted for the fiscal year in and each succeeding year through 2002 as follows: Emergency appropriations—If for any fiscal year appropriations for discretionary accounts are enacted that the President designates as emergency requirements and the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations.

Mr. President, what we are looking at is a finding by the Congressional Budget Office which has determined—that is what we put in our report on page 36, the 5-year projection. Incidentally, just as a footnote, I hope everyone knows, they assumed we won't pass this bill, it won't become law until July 1; therefore, the outlays cannot be made until subsequently in July, possibly August and September. So they moved into 1999 a considerable amount of money that actually is going to be spent this year because we are going to pass this bill and it is going to become law before the end of April. There is no question about that. It will, hopefully, become law the 1st of April.

But in any event, what has happened is we have complied with the law, and the law says we list the amounts. Although they are authorized for emergencies that have taken place this year, the spending may continue for a series of years.

The Senator used an interesting analogy about Johnny breaking his arm. We have disaster money here, and there are lots of homes that have been broken. If those homes were covered by insurance, they take a look at it, the insurance adjustor says we are going to pay X dollars, and you proceed to spend that money over a period of years. You get it from your insurance account.

They don't come by and say, "OK, you only get the amount of money you can spend this year." That is what the Senator from Texas is saying. The disaster account is a taxpayer insurance against the calamity of disasters that take place in this country. And as such, the impact of the Senator's amendment—anyone who has had a disaster in their State this year better listen to me now because he is saying that all you can do is count the emergency only for the money that can be spent this year. It is outlays. Very little of that money is going to be outlaid this year. We know that. It is primarily the disaster money that is carried out for a period of years.

The Senator mentions Bosnia, and I have opposed the Bosnian deployment. He is not correct in saying we have not budgeted and spent money, programmed money on a nonemergency basis. We have, in fact, appropriated money for Bosnia. We did this year but only through July 1. The emergency came about when the President of the United States found that we could not withdraw. Under his determination and the Joint Chiefs, they decided we have to stay there. We face the problem of paying between now and July 1 and through the end of the year for that deployment.

If we do not put up the money, the money comes, as I said before, from the readiness accounts for moneys we have already appropriated for the fiscal year 1998. That will mean the readiness accounts for the rest of the military not deployed to Bosnia or to Southwest Asia will pay the cost of the emergency.

Mr. President, that is a nice question, whether this is an emergency, but the President has declared it is an emergency and we have agreed it should be an emergency because we really believed when we made the bill up last year for 1998 that the troops would be out by July 1.

Having done that, we spent the balance of the money in the procurement accounts and in the readiness accounts. We were operating under a ceiling. What the Senator from Texas does now, if it is not considered emergency as the President declares it is an emergency, is we have to go back, as I said, and take it out of moneys that we put into, whatever it might be—aircraft acquisition, whatever it might be—in the Department of Defense.

It is not easy to find that kind of money, particularly when we have troops deployed in the field. Over 40 percent of our personnel are deployed overseas right now. If we are going to readjust anything, it has to be in the procurement accounts, and the procurement does not outlay dollar for dollar. If we cancel procurement, we only probably get 10, 15, 20 percent adjustment for outlays.

Again, I say, it will take billions from the 1990 account to deal with the millions that are involved in this bill for expenditure.

I am not going to belabor it except to say, once again, this is a killer amendment. I think it is against the Budget Act. I leave that to the Senator from New Mexico. I hope he will talk about it. At least in purpose it is against it. I think actually it is subject to a point of order, but I don't intend to raise a point of order. If the Senate doesn't understand this amendment, it doesn't understand defense economics and defense spending. I understand there are some people here who want to put the screws on us in terms of the next year.

Remember this, Mr. President. We have no firewall between defense and nondefense next year. We have to legislate it if we can get it. The effect of this is to take money out of defense when defense is already going to be under attack as far as money in 1999.

I just cannot be emphatic enough to deal with this in terms of what it means. It means that we are readjusting the concept of the accounting for emergency money. If you look at just the disaster account alone, it reneges on the commitment we have made to the people who are in the disaster area to help them pay for the cost of adjusting to that disaster.

My State has more disasters than any State in the Union. We don't have any right now, except me, and I feel like a disaster right now because I really don't like this amendment.

I think if Members of the Senate think about it, they will understand what we have done. This amendment impacts defense most damagingly because the funds for Southwest Asia assume current force levels and the current op tempo—the tempo of operations. We made these moneys available until expended. That means they can be expended in 1999 and subsequent years. That gives an incentive to the Department to manage their money wisely and not rush to expend it before the end of this year.

The effect of the Senator's amendment would be to reverse that decision of our committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, first, I say to the Senator from Alaska, he is absolutely right. I do not think either Senator GRAMM or I are intending, or what the Appropriations Committee did here, is

somehow outside the Budget Act or illegal or against the law. Absolutely not. The chairman and the committee followed the Budget Act to a "t." They declared the emergency. The President asked for emergency spending. They went ahead and spent the money outside of the parameters of the budget that we have for the country this year and for future years.

We just do not agree that we should do that. I think we do have the right, because we have done it in the past, to make that spending this year, frankly, for future years, to stay within the caps and to allow some reprogramming to be done within those accounts.

So my argument has never been, and I think the Senator from Texas would admit that his argument has never been, that what they have done is somehow wrong. Not wrong; certainly it is within the law. But to suggest that it is the right thing to do is another matter.

I understand the problems that the Senator has with the defense budget. I have as many concerns as he does with the top line number of defense. I think we are at a very tight defense budget for this year. I serve as a subcommittee chairman on the Armed Services Committee, and I understand the tough choices that have to be made.

I do not have as big a budget to oversee in my authorization. I have about $9 billion to oversee. But I have to make tough choices, and sometimes projects in Pennsylvania do not make it on there. They did not make it on there because they are not worthy projects, not because they are from Pennsylvania or from North Carolina or Texas or anywhere else. And I will assume and I will hope that the appropriations process is a similar one; that we look at the merits of the projects that are on there being requested by the Department and we sort it out on the basis of merit.

That is what I will continue to do and that is what I hope the Appropriations Committee will continue to do. It is a tough job. The resources are very slim. I accept what the Senator from Alaska is saying, that if we adopt this amendment, it will make that job somewhat tougher to do—next year by the tune of about $1.6 billion, and the following year $391 million, and then it sort of trails off to a couple million. But I understand that is a difficult task.

The point we are trying to make is, we did not require you to do it this year because you are halfway through the budget year and it would be very difficult to reprogram that money having been put in a cycle where you had a certain expectation of money, you spent to that level, so you spent half your money and then you are basically taking savings out of the last half of the money that is there, which requires a commensurately higher percentage of cuts than the overall amount.

So I understand that problem. That is why we tried to avoid that problem by saying, if you spend the money this year, you do not have to reprogram it. You can declare the emergency and you can spend it above the budget level.

I find it somewhat curious that the Senator from Alaska would attack our amendment by saying it creates an incentive to spend the money unwisely this year and that he opposes this amendment because we are going to have money being forced out of the pipeline prematurely so it can be spent on an emergency basis as opposed to being kept under the caps in future years.

The only reason we have released the pressure valve, if you will, for this year is because we know the objections that the Senator from Alaska would have if we put the caps on it this year. He would be opposed to it, I suspect, even more vociferously if we made the relevant departments stay within the caps every year as opposed to just future years. So I am not too sure that is necessarily a valid argument.

The bottom line here is very simple. What we are suggesting is to take the money that we know is going to be there for the surplus and use it for Social Security, not for emergency spending, particularly given the fact that I understand from the cloakroom there is another $1.6 billion to throw on top of this bill. It is going to be spent out over the next few years, money that the President has just asked for.

I have voted against disaster bills in the past. In fact, I stood on the floor of the Senate just a few years ago and said I would vote against a disaster bill when most of the money for that bill was going to Pennsylvania—my State. And I said I would do so unless we did something to make sure that that money was offset within the budget, because I feel it is that important. I think there is not truth in budgeting with this administration and with our budgets in the past when it comes to disaster assistance. We chronically have this problem that we do not appropriate enough money.

Again, I do not point to Senator BOND and his subcommittee as the problem. I point down to 1600 Pennsylvania Avenue to a President who just willy-nilly, in many cases, declares items eligible for assistance and expands the definition beyond what congressional intent is as to what is covered. Not that he declares disasters willy-nilly. In fact, they are very serious disasters. But what should be and is eligible to be paid for by the Federal Government is, in fact, where I think we have a problem with this administration, which I think the Senator from Missouri, Mr. BOND, is attempting to correct. So I give credit to him. But we still have the problem.

The problem has shown up in huge amounts of outlays that we spend every year on disasters because we continue to pay ever-increasing amounts from the Federal level on disasters around this country. That is a problem. All we are doing is allowing that spending to continue and not keeping within the discipline that we promised the American public. We promised, us right here in the Senate, we promised the American public that we would stand here and stick to our agreement, that we would not continue this stream of red ink, we would not just continue to spend money like there was no tomorrow, that we were going to put a budget agreement in concrete, we were going to stick to it, and, as a result of that, we would have surpluses, we would have a balanced budget, and we would have surpluses and, as a result, the economic prosperity that would come with that.

Right here today we are just saying, oh, we didn't mean it. You know, we had an unexpected—not so unexpected—expense so we have to break the deal. We are going to break the deal. We are just going to say, fine, we are going to spend more.

I am surprised there is just $1.6 billion more in the cloakroom ready to come down here to be spent. Let us throw in some more. I mean, this is open season. We have lied once. We have broken our promise once to the American public. We said we were going to keep the deal. Now we are not going to keep the deal. Why just 1.6 billion? Let us throw in a few more billion. Once you break it—I mean, it is like being a little bit pregnant—let us really have a party. Let us spend it all. Let us throw some more money down here and find out how much more we can throw on that we can consider an emergency that all we have to do is declare. We do not have to follow any law here. For those of you who think that there is a law that we follow that says "this is actually an emergency" and "this isn't an emergency"—no, no, no. We just have to say it is. That is all. We just say it is, and it is an emergency.

So let us bring all the turkeys out. Let us start flying around and shooting everything around here. And, by the way, there is lots of stuff in here that is not emergency, just supplemental spending that we are just going to throw out here and say, "Well, we'll just include it in. It's something we really wanted to do. Couldn't fit it in last year's budget, may not be able to fit it in this year's budget. It's going to fly. It's going to pass and we can help out some of our Members." It is just not the way we should do business.

Mr. STEVENS. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to.

Mr. STEVENS. Does the Senator mean to say with regard to disaster money that is in this bill, that only the money that is spent this year will be treated as an emergency?

Mr. SANTORUM. That is correct. Under the legislation, that is correct.

Mr. STEVENS. So that the cost of repairing the levees in Georgia or Alabama or fixing the frozen trees in New Hampshire, wherever they might be, that money, if it is not spent this year, will have to be charged against the regular bill for that purpose in the next fiscal year?

Mr. SANTORUM. That is correct. Just like next year. When we appropriate money this year, when we appropriate money for next year, we will have in the FEMA budget money for anticipated disasters. That is what we will be putting money aside for. That is what we appropriate the money for in FEMA, for anticipated disasters and for spending on those disasters.

What we are saying is, we now have a leg up. We know what money we need to spend this year, so we are going to include it in that budgeted amount. So, yes.

Mr. STEVENS. Does the Senator understand, first we have to declare a disaster for that not to be accounted?

Mr. SANTORUM. That is correct.

Mr. STEVENS. That is what this bill does?

Mr. SANTORUM. Yes.

Mr. STEVENS. Some money is already over there in FEMA, but when it is spent, it is emergency money.

Mr. SANTORUM. That is correct.

Mr. STEVENS. I am not sure the Senator is understanding me yet. The money that we appropriate to FEMA, we just put in FEMA.

Mr. SANTORUM. Right.

Mr. STEVENS. It is counted in the budget. But when they spend it for real emergencies, we relieve them from accounting for that as far as sequestrations are concerned because it does not count against this year's allocation or the allocation in any year for which the outlay is made. Do you understand that?

Mr. SANTORUM. What we are suggesting is that money should count within the budget, that it should count within the amount for that appropriation.

Mr. STEVENS. I say to the Senator, I do not know if a disaster can recover under that situation—not one. We declared a disaster in South Dakota. We declared a disaster because of the earthquakes in California. We did it because of the fact we had to have the emergency designation in order to spend the money.

As a matter of fact, the Senator from New Mexico says there was not enough money. We had to add to it. That is what we are doing to it; we are adding to the money that we previously had. But whatever you spend in connection with these disasters, you do not have to account for it at the time of sequestration. It is only at the time of sequestration.

Mr. SANTORUM. I understand that. All I am saying is that money is going to be spent next year. That money is going to be spent next year. And in the appropriations bill that deals with these different accounts, we are saying we want to keep it under that cap, and that means to find money other places in the legislation, absolutely. That means that we are going to have to reduce other accounts to make sure we stay within those caps.

This is about, in our opinion—I know the Senator from Texas agrees—controlling the growth, controlling Government spending. What we are doing is saying, there is in fact a budget that says there is so much to spend, and whether we declare an emergency or not we are going to stay within that. If we declare an emergency, we can spend the money for that particular purpose—fine—but it is still going to stay in the aggregate cap for our total spending. That is the point we are trying to make.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to.

Mr. DOMENICI. How big does a disaster have to be in terms of its outyear cost for you not to expect it to be paid for out of education money and NIH money and others? How about the Alaskan earthquake? I assume we had 5, 6 percent of the entire budget of the United States in one or two of those years. Is that big enough? Or should we assimilate that and reduce education funding and NIH funding and all the other funds, highway funds?

Mr. SANTORUM. I say to the Senator, I would expect in a $1.6-some trillion budget, that we can in fact find in this case for disasters some $2-plus billion, of which it is not even $2 billion. I think in our opinion it is $3.1 billion—no; less than that—it is $2.5 billion overall. And we are allowing this year's to go as an emergency. So I think $1.5 billion. So we can find $1.5 billion out of the next 5 years'—out of the next 5 years—spending. I think we can do that.

Mr. DOMENICI. I say to the Senator, because I know you intend always to be very precise and specific, and I laud you for that, and you are eloquent in your remarks, I hope you do not speak of a $1.7 trillion budget unless you want to take money out of Social Security and Medicare and all the other entitlements. That is two-thirds of the budget. So we ought to be talking about the right number. Nobody is expecting this to come out of Social Security. Are you?

Mr. SANTORUM. No, I am not.

Mr. DOMENICI. Out of Medicare?

Mr. SANTORUM. No. Roughly a third is discretionary.

Mr. DOMENICI. That is about right.

Mr. SANTORUM. Roughly a third. So roughly a third of the $1.7 trillion. So you are talking about around $550 billion. And we are talking about $1.5 billion out of $550 billion.

Mr. DOMENICI. That includes defense, which more than half of that is. Do you want it to come out of defense?

Mr. SANTORUM. Yes. Part of it does come out of defense within our amendment, yes, absolutely.

Thank you, Mr. President.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I did not intend to speak to this particular amendment because I have an amendment that is sponsored by Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, Senator COLLINS and I believe has been accepted by both sides.

But I think it is rather germane because it seems to me that in times of crisis our Nation sets aside its differences and we come to the aid of our neighbors. I do not say that because you had a disaster in the State of Washington, we are not going to be there to help you. That is what happened, and this country came forward together and made available emergency aid, some several billions of dollars. Then we had floods along the rivers. Those rivers were not in New York, but they were in the United States of America, and my State is part of this country. I think that our citizens would have been very upset with this Senator and my colleague if we had voted against providing aid to those who had their farms wiped out, their homes wiped out, their lives disrupted.

What are we doing? I mean, what in the world are we saying here? Are we saying, really, that you should cut the National Institutes of Health by half a percent to provide emergency relief? For whom? For our citizens. My gosh, we have sent troops all over the world to help out others. Are we really seriously saying that we should not make available disaster relief to our citizens without this clap trap of finding it under a budget cap next year? If it is an emergency, by gosh, the American citizens expect us to rally to our neighbors and to our friends and stop this parliamentary nonsense. That is what this is.

I want to tell you something. We should move to table this now. I am not going to do it because that is the chairman's spot. It is his responsibility. We have some important business to get done here. I have an amendment that I am going to offer to help the dairy farmers of New York and the people of New York who are devastated—hundreds of millions of dollars worth of damage, thousands and thousands of manhours lost. Thousands of homes were ravaged as a result of the ice storm when people's power went out for 2 or 3 weeks, and when they came back to their homes, they found them flooded because the pipes had burst.

Now, we have to get to the business of the people and do it here and now

and not get into this business of saying we are going to offset next year's expenditures. They have to rebuild those homes, and these are people of modest incomes. Are we really going to say here and now, oh, no, we are not going to do that unless we cut low-income assistance programs next year or unless we are going to cut—what program? Tell me. Tell me. What happens if you have a $10 billion disaster? Next year someplace we are going to start offsetting it? Let's get to the business of the people. This isn't the business of the people. This is playing games.

I would like to be able to offer my amendment, and I would like to move to set aside the pending business. I am going to withhold. New Yorkers have been devastated to the tune of hundreds of millions of dollars.

I just think what is being done absolutely puts us in a light that is irresponsible. If we want to make cuts and say that there are programs here that are not of an emergency nature, I will vote on them. If you want to build bicycle trails—I was here when that was put up, and I voted against bicycle trails—and if you want to build igloos someplace and say that is a disaster when it is not, I am going to vote against it. By gosh, let us not simply say that all of the emergency relief should be treated as a nondisaster. That is not being fair to our colleagues.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we can wrap this debate up and have a vote, if we are ready to do it. I do not know if the chairman is going to move to table the amendment or just have an up-or-down vote on it. But I would like to conclude by making several very simple points:

No. 1, no one is saying, and nothing in this amendment has the effect of saying, don't provide emergency money. That is not what the issue is here. This has nothing to do with providing emergency money. Nobody is saying provide it only this year. What we are saying is pay for it. What we are saying is that when you are committing to spend money over the next 5 years—and we have not even written budgets for those 5 years—that these expenditures ought to be counted in the budget.

Do we really take the position that anything we declare is an emergency, and what we are going to spend 4 or 5 years from now should have nothing to do with the budgets we are writing for those years 4 or 5 years from now? I reject that. If this is not the people's business, I don't know what the people's business is.

Finally, the example has been used about an insurance company paying a claim. We want the insurance company to pay the claim but we want the insurance company to cut their dividends. What we want to do here is to be sure that we are helping people who have suffered but that we pay for it by cutting other programs so that we don't end up in a position of claiming that we are setting aside money to rebuild Social Security, and, yet, if this amendment fails, we are going to have $2 billion less to rebuild Social Security with than if our amendment succeeds. That is what the issue is about.

It is pretty simple. And I suggest we vote on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I actually would ask the Senator from Alaska, if he wants to respond, I would follow. I would be pleased to yield to the Senator from Alaska, but I would like to follow.

Mr. STEVENS. Does the Senator wish to speak on this amendment?

Mr. WELLSTONE. There are a number of amendments out here. I want to speak on another amendment.

Mr. STEVENS. I intend to make a short statement and move to table. Could the Senator make his comments after that?

Mr. WELLSTONE. I ask unanimous consent that after the Senator moves to table and we have the vote, I then be allowed to speak.

Mr. STEVENS. For how long?

Mr. WELLSTONE. Ten minutes.

Mr. STEVENS. I might say to the Senator that we have a 5:30 cloture vote, and we have an agreement. I am informed that following the vote on my motion to table we will have an agreement dividing time between the proponents and opponents of the cloture motion and then vote on the cloture motion. I will be more than willing to say the Senator gets the first 10 minutes after the cloture vote. The cloture vote was supposed to take place at 5:30. We are jammed in on it right now.

Mr. WELLSTONE. Mr. President, I say to my colleague, I want him to have a chance to respond. I know he wants to. I would then ask unanimous consent after we have the debate on the cloture vote and the cloture vote that I be allowed to speak after that vote.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I am not prepared to agree to that because I understand that we have a commitment that we will go out of session at that time.

Mr. WELLSTONE. Mr. President, let me try one other unanimous consent. I ask unanimous consent that I be allowed to speak for 10 minutes before the vote on the IMF amendment.

Mr. STEVENS. I have no objection.

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

Mr. STEVENS. Mr. President, let me make sure that everybody understands what we are voting on. The Senator from Texas complains—and I think rightly—that we are spending really a great deal of money on disasters. They grow every year, and it is because the moneys that we have allocated to disasters under authorization laws and under regulations have increased.

I tell the Senator that the money available during the period right after the great earthquake in Alaska in 1964 compared to the amount of money that was available to those people who were harmed by the California earthquake—the California program for recovery—was much more heavily financed, and necessarily so. New concepts of assistance have grown since that time.

If the Senator wants to examine and ask the Congress to examine and put limits on what we spend after a disaster, this Senator would be pleased to work with him on it. If the Senator wants to say that we ought to predict how much money we are going to have available for disasters and put a cap on that, this Senator would never agree with that.

If the great Madrid Fault down by Tennessee ever slips again, as it did in the middle of the last century, to the extent that the bells in Boston rang when that earthquake took place in the middle of our continent, if that would happen today, the cost of that disaster would be just overwhelming. There is no way to predict how much money we are going to spend on disasters.

As applied to this bill now, I say to the Senator, if the Senate adopts this amendment, I will move to recommit this bill to the Appropriations Committee because we cannot afford to have such a heavy balance on the 1999 bill that we are working on now for fiscal year 1999 if the Senate adopts the amendment of the Senator from Texas. Disasters aside, the major impact of this amendment is on defense. It would say that any moneys that are spent for the Bosnian or Iraqi deployments after September 30 would count against the allocations that we are already looking at for 1999 under the budget that the President has submitted to us.

I have said before to the Senate, we believe that the impact of this amendment would mean procurement cuts—cuts in the amount of money we allocate to procurement of $2 billion in 1999. That is because when we authorized the use of $2 billion in 1999, the amount that actually would be spent would be about $400 million. That is what it does to the bill we are planning now.

I just do not think that we should have a supplemental that so hamstrings the budget for the full year of 1999 in a way that was never contemplated by the President's budget nor is it contemplated by the budget

before the Budget Committee and ready for submission to the Senate. This issue should come up but should come up in other ways, and that is how much money we will spend per person on a disaster.

Does the Senator seek time before I make a motion to table?

Mr. NICKLES. If the Senator will yield, I know there are two or three amendments in line.

Mr. STEVENS. The Senator is correct.

Mr. NICKLES. I have an amendment. I would be happy to introduce it now and you can stack it as well.

Mr. STEVENS. I might say to the Senator that we just had a discussion with the Senator from Minnesota, and I understand there is an agreement to postpone the cloture vote that has been scheduled for 5:30.

So I am going to move to table, and I would renew the request of the Senator from Minnesota that following that vote on my motion to table he get 10 minutes, and after that we will be happy to have any amendments that the Senator from Oklahoma has. All right.

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

Mr. STEVENS. Mr. President, I reluctantly but enthusiastically move to table the amendment of the Senator from Texas 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 of the Senator from Alaska to lay on the table the amendment of the Senator from Texas. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—76

Akaka	Domenici	Leahy
Baucus	Dorgan	Levin
Bennett	Durbin	Lieberman
Biden	Feinstein	Lott
Bingaman	Ford	Lugar
Bond	Frist	McConnell
Boxer	Glenn	Mikulski
Breaux	Gorton	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Grassley	Murkowski
Burns	Gregg	Murray
Byrd	Hagel	Reed
Campbell	Harkin	Reid
Chafee	Hatch	Roberts
Cleland	Hollings	Rockefeller
Cochran	Inouye	Roth
Collins	Jeffords	Sarbanes
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Landrieu	
Dodd	Lautenberg	
Thompson	Torricelli	Wellstone
Thurmond	Warner	Wyden

NAYS—24

Abraham	Gramm	Mack
Allard	Grams	McCain
Ashcroft	Helms	Nickles
Brownback	Hutchinson	Robb
Coats	Hutchison	Santorum
Enzi	Inhofe	Sessions
Faircloth	Kohl	Smith (NH)
Feingold	Kyl	Thomas

The motion was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LEAHY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will come to order. The majority leader is recognized.

Mr. LOTT. Mr. President, let me withhold while we confer a few minutes more. I don't seek recognition at this time.

Mr. LEAHY. Mr. President, parliamentary inquiry: What is the regular order at this point?

The PRESIDING OFFICER. The regular order is for the Senator from Minnesota to be recognized.

Mr. LEAHY. Mr. President, further, has all time run out on the pending amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. And will the Chair explain why it would not be the regular order to vote on that?

The PRESIDING OFFICER. The pending amendment is a Faircloth amendment No. 2103.

Mr. STEVENS. Under the unanimous consent agreement, the Senator from Minnesota has 10 minutes coming now.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. A further parliamentary inquiry, Mr. President. After that 10 minutes, what would then be the regular order?

The PRESIDING OFFICER. The cloture vote.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. D'AMATO. Mr. President, if I might——

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. WELLSTONE. Mr. President, I want to make sure that I have my time on the floor. I will be pleased to yield.

Mr. D'AMATO. Mr. President, I thank the Senator from Minnesota. I ask unanimous consent that I be given up to 2 minutes to submit an amendment, that has been agreed to by both sides, on behalf of Senator MOYNIHAN, Senator LEAHY, Senator SNOWE, Senator COLLINS and myself, with respect to the disaster bill and ask that the pending amendment be set aside for that purpose.

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

AMENDMENT NO. 2109

(Purpose: To provide funds to compensate dairy producers for production losses due to natural disasters)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS, proposes an amendment numbered 2109.

Mr. D'AMATO. 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 5, line 5, strike "DAIRY AND". On page 5, line 8, strike "and dairy". On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. D'AMATO. Mr. President, in response to the 100-year ice storm which

hit the Northeast area of the country, and to address the unmet needs of our dairy farmers, I offer this amendment with my colleagues, Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, and Senator COLLINS, to reimburse dairy farmers for up to $10 million for their milk losses.

Our amendment covers two types of dairy losses: first, the losses that farmers experienced by having to dump their milk because it either could not be shipped to market or it could not be processed properly; and, second, the losses they will see through decreased milk production over the next few months.

In addition, this amendment will allocate $4 million to provide relief to the dairy farmers who have had a cow die because of the storm. Our amendment, along with the provisions of this bill, will help prevent a lot of dairy farmers who have had thousands of dollars of losses from going out of business.

When disaster strikes, America responds. The damage, adversity, and loss experienced in the North Country and in New England deserves the attention and assistance of our Government.

I thank the chairman of the Appropriations Committee, Senator STEVENS, and the chairman of the Agriculture Subcommittee, Senator COCHRAN, as well as the two ranking members, Senator BYRD and Senator BUMPERS, for their support.

In times of crisis, our Nation sets aside its differences and our own troubles in order to help-out those who are truly in need.

Beginning on January 5, 1998, six counties in the northernmost part of New York State were ravaged by a fierce winter storm that covered the area in a three-inch blanket of ice. On January 10th, President Clinton declared the region a Federal disaster area.

This storm caused tremendous damage to homes, farms, roads and infrastructure throughout this area of northern New York—which we call the North Country.

Tragically, the effects of this storm led to nine deaths in New York.

This ice storm damaged thousands of utility poles, brought down countless miles of power lines and left several hundred thousand people in the dark for up to three weeks.

The loss of power in this region had a particularly difficult impact on North Country dairy farmers.

As some of my colleagues know, dairy cows must be milked at least twice a day, every day. Modern farms use electric milking machines to do this task and then transfer the milk to cooling tanks until it is picked up and taken to an area processing plant.

With no power, farmers did their best to try and milk their cows. For those who had generators and were able to milk their cows, they had to then store the milk.

Unfortunately, for a number of dairy farmers, the lack of power to cool the storage tanks made their milk unfit for consumption.

Farmers also faced the possibility that the milk truck could not reach the farm because icy road conditions, downed trees or downed utility poles made it impossible.

As these circumstances piled up, individual dairy farmers across the entire Northeast region were forced to dump their milk incurring thousands of dollars of losses along the way.

Farmers also have had to worry about mastitis. Mastitis is an inflammation of a cow's udder which can take hold in a cow when it is not milked regularly.

This inflammation can reduce milk production and cause a cow to become sick, requiring treatment with antibiotics. When a cow is being treated with antibiotics, that cow's milk cannot be used.

When a cow gets out of its milking cycle, there is nothing that can be done to make up for that lost production. That milk, and that income, is lost forever.

Overall, dairy production losses may likely add up to millions of dollars for dairy farmers in the North Country and northern New England.

Dairy farmers already run their operations on very tight margins—even a slight decrease in production can cost thousands of dollars and be the deciding factor in determining whether a farmer stays in business or not.

That is why I am offering this amendment—to help provide a measure of relief for New York and New England dairy farmers.

With the passage of this amendment, I believe we will help meet the needs of our dairy farmers as they continue to recover from the effects of this storm.

I am pleased to join with my colleagues in offering this amendment and I urge its adoption.

Mr. LEAHY. Mr. President, I would like to join my colleagues from the Northeast in support of Senator D'AMATO's amendment providing assistance to dairy farmers devastated by an ice storm earlier this year. I am proud to be a cosponsor of this amendment which will provide much needed assistance to dairy farmers in Vermont and throughout the Northeast.

This storm which hit the Northeast on January 9 left dairy farmers in Vermont, New York, New Hampshire and Maine without power for days at a time. I was happy to see that the disaster bill proposed by the administration and passed by the Appropriations Committee includes $4 million to reimburse dairy farmers for production losses suffered during the storm for milk that farmers were forced to dump.

Unfortunately the bill did not consider the long term losses that will be suffered by farmers until milk production returns to pre-storm levels. Now cows don't know whether the power is on or off, they still need to be milked twice a day every day. In addition to the costs incurred by the dumped milk, many cows suffered mastitis as a result of the delayed milking or were thrown off in their milking cycle to the extent that their milk production levels were significantly affected. In Vermont, it is estimated that the cost of long-term production losses will be $186,300. The total damages throughout the region will be much higher. For small dairy farms, this is just one more cost they can not afford to shoulder.

I urge my colleagues to support this important amendment.

Mr. MOYNIHAN. Mr. President, I rise to join my colleagues in emphasizing the importance of providing adequate assistance to the dairy farmers of the Northeast, who suffered tremendous losses due to the ice storm of January 1998. Our amendment will address an important gap in the Dairy and Livestock Disaster Assistance Program described in the supplemental—by providing for compensation for diminished milk production for the remainder of this year.

In the days and weeks following the January ice storm, my staff met with dairy farmers from upstate New York, and listened while they detailed the extent and the nature of their losses. My staff realized that one of the main needs expressed by our farmers—compensation for the diminished production which they knew would ensue for the remainder of the year—was not being addressed. Working with the New York Farm Service Agency, my staff developed an approach which will provide crucial assistance to our farmers for these losses. I am pleased to see that compensation for diminished milk production is included in this amendment.

Without electric power, farmers were unable to use electrical milking machines, in some cases for several days. Veterinarians at Cornell University estimate that two days of missed milkings will result in an average loss in milk production of ten percent for the remainder of the lactation cycle. The situation is analogous to damages to fruit trees, which suffer production losses in the months—or years—following a storm, in addition to the initial losses suffered at the time of the storm.

Diminished milk production losses will greatly surpass the value of milk dumped at the time of the storm. For example, in New York, the value of milk dumped in the days immediately following the storm is estimated to be $1 million. The New York Farm Service Agency projects $12 million in losses due to diminished milk production.

Dairy farmers in Vermont and Maine will be similarly affected.

The amount provided for dairy and livestock in the Administration's request—$4 million—drastically under represents the amount of damage. The $10 million which this amendment will provide for dairy and livestock farmers is based on the best estimates of damages available from the Farm Service Agencies of the affected states. Through this amendment, we will be able to compensate dairy farmers for 30 percent of the value of their demonstrated losses—the same proportion provided to other farmers under previous disaster relief programs.

The farmers of the Northeast dairy industry do not have sufficient means of emergency support outside of Federal aid. Many farmers were shocked to find that their private insurance policies, which do cover losses sustained due to fires, floods, and other natural disasters, will not cover damages sustained during ice storms. The states of New York, Maine and Vermont are offering limited assistance to their dairy farmers, but additional Federal aid is sorely needed.

Mr. President, I thank Senator STEVENS and Senator BYRD for their assistance with this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2109) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 5:30 this evening be postponed to occur at a time to be determined by the majority leader after notification of the Democratic leader.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, to notify all Members, we are working and getting very close, I think, to a unanimous-consent agreement being possible with regard to the education savings account issue, and other issues, but we are not quite there. So we think we can keep working on it and reach agreement hopefully early in the morning.

Also, I remind the Senate that we do have this very important opportunity to hear from our former distinguished majority leader, Mike Mansfield, at 6 o'clock. I would like for us to be able to start that right on time in deference to his agreeing to be with us. I urge all my colleagues to come to this first in a series of lectures from former majority leaders and Vice Presidents. Therefore, I ask unanimous consent that the Senate stand in recess until 7:30 p.m. at the conclusion of the 10-minute remarks by Senator WELLSTONE.

Mr. WELLSTONE. Reserving the right to object, and I will not, but I would be pleased, when we go back in session tomorrow, to speak. So you can go ahead, as long as I have consent I will be able to speak for 10 minutes when we go back in.

Mr. DASCHLE. Reserving the right to object, I would like to be recognized following the remarks made by the distinguished majority leader and then preceding whatever remarks the Senator from Minnesota would care to make.

Mr. LOTT. Mr. President, if the Senator would yield, I think that is a very generous offer by the Senator from Minnesota. We will make sure you get the 10 minutes tomorrow, hopefully, I guess, in the morning. That way we can recess before 6 o'clock and allow us to greet Senator Mansfield.

Mr. DASCHLE. Reserving——

Mr. WELLSTONE. If I could say, the understanding is I want a chance to speak before any vote on the IMF.

Mr. DASCHLE. Further reserving the right to object, just to clarify the proposal made by the majority leader, I would assume there would then be no more votes tonight.

Mr. LOTT. There will be no more votes when we come back in at 7:30, although we need to cooperate with the chairman of the Appropriations Committee and the ranking member to try to identify those amendments that will have to be disposed of, will have to be voted on. I urge, again, all Senators—I am not asking for amendments, but I am asking for cooperation in getting a limited number or identifying those amendments we are going to have to have a vote on so we can complete action on this emergency supplemental appropriations bill.

Mr. DASCHLE. Mr. President, again reserving the right to object for purposes of clarification, is it now the understanding of the Chair that I will be recognized following the remarks made by the majority leader?

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

Mr. STEVENS. Would the Senator just yield to me for one question of the majority leader?

We have a series of amendments, when we come back in, that have been cleared and that we are in the process of clearing. I just want to notify all Senators, we will be working on amendments to the bill after the presentation of the former majority leader. So in particular, we wanted to stress the needs for FEMA and CDBG amounts that are part of the request.

Ms. MIKULSKI. We want to debate them tonight?

Mr. STEVENS. No. We want to see if there is objection. So if anyone has any objection, I would like to know before we go out. Thank you.

Mr. LOTT. Mr. President, in view of one development that just occurred—and I think we will have the answer in just 2 or 3 minutes—I want to withhold that unanimous-consent request that we stand in recess until 7:30. I expect to renew that in 2 or 3 minutes. But I would like to hold it at this time; and, therefore, the Senator could be recognized in his own right to speak if that is what he has in mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have indicated to the distinguished chairman of the Appropriations Committee my frustration with the amendment process. The majority leader has noted the need for cooperation.

I think we have been extraordinarily cooperative. I have encouraged my colleagues to withhold on an array of amendments that were proposed. Now we have an array of amendments here, including one now by the Senator from North Carolina having to do with school construction. If we want to get into a lot of these extraneous amendments, I have a whole pot load of amendments over here that we will begin offering.

So, Mr. President, I call for the regular order under these circumstances so we can go back to the business at hand. The business at hand is to deal with the IMF amendment and to get on with resolving these matters once and for all so we can finally come to cloture on this legislation. I call for the regular order and hope that at long last we can begin dealing with these issues one by one.

The PRESIDING OFFICER. The regular order is amendment No. 2100.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:30 p.m.

There being no objection, at 5:40 p.m., the Senate recessed until 7:30; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with consideration of the bill.

AMENDMENT NO. 2102, AS MODIFIED

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 2102 to Senate bill 1768.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent the yeas and nays on that amendment be vitiated.

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

Mr. GORTON. I send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension of International Monetary Fund resources—

(1) directly to or for the direct benefit of the President of Indonesia or any member of the President's family; and

(2) the Secretary of the Treasury shall instruct the Executive Director to use the U.S. voice and vote to oppose further disbursement of funds to Indonesia on any IMF terms or conditions less stringent than those imposed on the Republic of Korea and the Philippines Republic.

Mr. GORTON. I ask unanimous consent Senator GREGG be added as a cosponsor to the modified amendment.

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

Mr. GORTON. Earlier this afternoon, I introduced an amendment which would have instructed the U.S. representative to the International Monetary Fund to vote against any proposal with respect to Indonesia that would have benefited President Soeharto or his family or his close associates.

I did so because it seemed to me that while several of the Nations in Southeast Asia that have been subjected to these runs on their currency and toward the present economic crisis were close friends of the United States, had developed democratic institutions like our own, were struggling toward free markets like our own, this was not taking place in Indonesia. It was a wholly-owned family subsidiary benefiting largely the Soeharto family and not the people of Indonesia.

I pointed out that it seemed to me unfair to impose heavy requirements on friends of ours like the Republic of Korea and the Philippine Republic and allow any IMF money to go to Indonesia that was resisting all of the attempts by IMF to reform its economy.

Others, including the Treasury, the distinguished chairman of the committee, and many others who have been interested in the International Monetary Fund asked me to modify my amendment. I have done so, to make it more narrow with respect to aid to the Soeharto family, narrow enough so I must say, I think it is symbolic only, but to require the United States not to favor any proposition with respect to Indonesia that is less stringent than those that the IMF is imposing on the Republic of Korea and the Philippine Republic, two of the closest allies and best friends with the longest association with the United States of any of the countries of Southeast Asia.

With that motion, I understand the amendment is acceptable and will be adopted by a voice vote. But I do want to say that I know that I represent a strong strain of opinion in this Senate that we should not be bailing out the Soeharto family, even indirectly, through our contributions to the International Monetary Fund.

I want the message to be heard loud and clear in Jakarta that true reforms to its economy are absolutely essential, that the International Monetary Fund and the United States are simply not interested in bailing out a family enterprise—fortunes stolen through corruption and inside dealing in the way that has been all too true in Indonesia over the course of the past decades—that there is a difference among the countries seeking aid in Southeast Asia from the International Monetary Fund. I am told that in some respects the requirements being imposed on Indonesia are tougher than those on South Korea and the Philippine Republic. If so, that is fine. But I certainly don't want us favoring Indonesia over those two nations that have been our allies for such an extended period of time.

So even if this amendment is only symbolic at this point—and it may very well be—I think the symbolism is important. I think that symbolism is vitally important.

I believe as a general proposition that it is in the interests of the United States to help the International Monetary Fund help countries that are willing to try to help themselves out of a severe economic crisis, even selfishly from the point of view of our own economy and our own exporters who are already seeing, in increasing trade deficits, the adverse impacts on trade in the crisis in Southeast Asia.

Certain IMF assistance is in the interest of the United States. Bailing out the Soeharto family is not, and that is what this amendment is designed to accomplish.

Mr. STEVENS. It is my understanding that the amendment of Senator GORTON has been cleared on both sides, and I know of no other debate. I congratulate the Senator for working so hard on this amendment. I remember the discussions that he and I had with various members of the South Pacific community in Australia when we were down there earlier this year. This certainly reflects the general feeling in the Senate.

The Senator is to be congratulated for doing this.

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

The amendment (No. 2102), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending amendment is the Faircloth amendment, No. 2103.

Mr. STEVENS. I ask unanimous consent that amendment might be temporarily set aside.

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

AMENDMENTS NOS. 2111 THROUGH 2116, EN BLOC

Mr. STEVENS. I will send to the desk the managers' package of amendments that have been cleared on both sides: The first amendment, for Mr. LEAHY, to eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center Program of the Small Business Administration; the second amendment, for Senators COVERDELL, COCHRAN, BUMPERS, BOXER, and CLELAND, to provide additional funds for emergency watershed and flood prevention separations and strike certain earmarks from the bill; third is an amendment, for Senator KENNEDY, to authorize the Secretary of Defense to lease or create another type of short-term interest in certain land near the Massachusetts Military Reservation; fourth is, for Senators COATS and LIEBERMAN, to extend the National Defense Panel to the end of fiscal year 1998; the fifth amendment is on behalf of Senators SHELBY, BYRD, BOXER, and Senator DORGAN, to provide funds for emergency railroad rehabilitation and repair; the last amendment is on behalf of Senators GREGG and HOLLINGS, to allow the transfer of funds from various agencies to the State Department to address the cost of departmental overhead.

As I indicated, these have all been cleared on both sides. I ask for their consideration.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments No. 2111 through 2116, en bloc.

The amendments are as follows:

AMENDMENT NO. 2111

(Purpose: To eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center program of the Small Business Administration)

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a nonfederal matching requirement.

AMENDMENT NO. 2112

(Purpose: To provide additional funds for emergency Watershed and Flood Prevention Operations and to strike earmarks from the bill)

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

Mr. COVERDELL. Mr. President, I would first like to commend the chairman, Senator STEVENS for his attention to Georgia disaster victims in this bill. I would also like to thank Senator COCHRAN for his fine work as Agriculture Subcommittee chairman in working through the many requests for assistance he has received.

Mr. COCHRAN. I thank the Senator.

Mr. COVERDELL. I would like to ask a question of Chairman COCHRAN if I might. Is it the Senator's understanding that the $40 million in the Emergency Conservation Program account and $10 million in the Emergency Watershed and Flood Prevention Program account we provided for the State of Georgia in the 1998 Emergency Supplemental Appropriations Bill is sufficient to fully cover our losses.

Mr. COCHRAN. The Senator from Georgia is correct with regard to the Emergency Conservation Program. Officials at the Department of Agriculture have reported that the $60 million that we provided for this program will be more than sufficient to address Georgia's disaster needs. Regarding the Emergency Watershed and Flood Prevention program, officials have reported that Georgia will require approximately $25 million, according to the current estimates.

Mr. COVERDELL. Would the Senator from Mississippi be willing to consider an amendment providing additional funds for the Emergency Watershed and Flood Prevention account in order to cover the $25 million needed for relief in Georgia and for needs resulting from more recent disasters elsewhere? And, if this assistance is provided at these levels, will it be sufficient to cover Georgia's estimated disaster needs?

Mr. COCHRAN. I would be happy to agree to the amount necessary to cover disaster assistance under the Emergency Watershed and Flood Prevention Program for Georgia in the wake of its recent flooding and tornado damage. In response to the second question, it is my understanding currently that the agricultural disaster needs of Georgia will be sufficiently addressed with a total supplemental appropriation of $100 million in the Emergency Watershed and Flood Prevention account and $60 million in the Emergency Conservation Program. So, yes, Georgia's needs will be accommodated, and the Senator's work on behalf of his state is appreciated.

Mr. COVERDELL. The Chairman's assistance is greatly appreciated. Rest assured these vital funds will go to good use in what has become a very trying year for Georgia farmers, and the Chairman's leadership is especially helpful to my state.

THE CHINO DAIRY PRESERVE IN SAN BERNARDINO COUNTY

Mrs. BOXER. Mr. President, one of the consequences of the torrential rains in Southern California has been massive flooding. In the Chino Basin in San Bernardino County, we have a dairy preserve that is home to more than 325 thousand dairy cows. Because of the heavy rains, wastewater wash flows and related manure that are usually stored in lagoons for subsequent disposal, have become inundated causing overflows. These overflows discharge into the Santa Ana River, threatening the underlying aquifer and impairing the water quality. It is important to note that the Santa Ana River is a drinking water source for more than 2 million citizens in Orange County, California. These threats include inorganic salts, parasites, bacteria and viruses and can pollute drinking water with high levels of nitrates that can be potentially fatal to infants.

I would like to ask Senator COCHRAN, chairman of the Agriculture Appropriations Subcommittee, a question. I have been told by the United States Department of Agriculture that $5 million of the amount requested by the Administration for California from the United States Department of Agriculture Natural Resources Conservation Service Watershed and Flood Prevention Operations, is for the Chino Dairy Preserve in San Bernardino County. Is this the understanding of the Chairman?

Mr. COCHRAN. Yes, I understand that the United States Department of Agriculture estimate includes $5 million for the Chino Dairy Preserve in San Bernardino County. I support this appropriation.

Mrs. BOXER. I thank the chairman.

This $5 million will provide important emergency work to begin repairing flood control channels, berms and other related activities that will ensure that this important watershed is provided every protection possible.

With this disaster assistance, we can begin the process of responding to this public health problem without delay and ensure that the citizens of Orange County will have continued confidence in their water supplies. I express my deep appreciation to the chairman, my colleagues on the Committee, and the U.S. Department of Agriculture for their support of this appropriation.

AMENDMENT NO. 2113

(Purpose: To authorize the Secretary of Defense to acquire a lease or other short-term interest in certain cranberry bogs near the Massachusetts Military Reservation, Massachusetts)

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located on the Quashup River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest acquired under subsection (a).

AMENDMENT NO. 2114

(Purpose: To extend the National Defense Panel to the end of fiscal year 1998)

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

Mr. COATS. Mr. President, the report of the National Defense Panel (NDP) has been tremendously useful to the Congress as we consider the national security requirements for our military today, and into the 21st century. The termination of the National Defense Panel (NDP) is extended through fiscal year 1998 to provide additional details on their deliberations. The members of the National Defense Panel have provided insightful testimony on their assessment of the scope scale, and pace of

military transformation needed to address the operational challenges of the 21st century. They are also providing insights on transforming the defense industrial base and infrastructure. The NDP will retain status, staff, and facilities as directed in section 924 of the National Defense Authorization Act for 1997.

AMENDMENT NO. 2115

(Purpose: To provide funds for emergency railroad rehabilitation and repair on Class II and Class III railroads)

(On page 45 of the bill, between lines 13 and 14, insert the following:)

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amounts as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1998: *Provided further*, that the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

AMENDMENT NO. 2116

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105–119, may transfer any amount to the Department of State, subject to the limitation of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provisions of law.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2111 through 2116) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

AMENDMENTS NOS. 2117 TO 2119, EN BLOC

Mr. STEVENS. I have additional amendments that have been cleared on both sides. The first amendment, by Senator ASHCROFT, is on the IMF and opening markets to agriculture; second is an amendment by Senator HOLLINGS to send a Treasury team to collect data on industry statistics and the impact of the Asian economic crisis; and the last is an amendment by Senator GRASSLEY, accompanied by a statement that he wished to insert in the RECORD before adoption of the amendment regarding reforms in bankruptcy laws.

I send the package to the desk.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments Nos. 2117 through 2119, en bloc.

The amendments are as follows:

AMENDMENT NO. 2117

(Purpose: To use the voice and vote of the United States to enhance the general effectiveness of the International Monetary Fund)

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

AMENDMENT NO. 2118

Insert at the appropriate place in the IMF title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

AMENDMENT NO. 2119

At an appropriate place, add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

"(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

"(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

"(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

"(4) promote international cooperation in insolvency matters by including—

"(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

"(B) other provisions appropriate for promoting such cooperation.

"The Secretary of the Treasury shall report back to Congress six months after the

enactment of this Act, and annually, thereafter, on the progress in achieving this requirement."

Mr. President, I rise to offer an amendment to the IMF funding amendment offered by Senator HAGEL. The amendment I offer relates to international bankruptcies. As chairman of the Subcommittee on Administrative Oversight and the Courts, which has jurisdiction over bankruptcy policy, I believe that it is crucially important to encourage the IMF to encourage nations which seek IMF economic assistance to implement meaningful bankruptcy and insolvency reforms. In fact, last year, I held extensive hearings on the subject of international bankruptcies. To my surprise, I learned that Wall Street analysts who assess how risky it is to invest in a particular developing country often look at the type of bankruptcy system in place. On the basis of these risk assessments, investors decide whether to invest in a particular country. In other words, bankruptcy reform will encourage private development and investment in emerging economies. My amendment has been developed to encourage the kind of bankruptcy reform which will in turn encourage increased private investment.

As I said, the lack of a developed insolvency system to deal with business failures has frequently been cited as an aggravating factor in the Asian financial crisis. Without effective legal procedures to deal with bankruptcies, jobs are needlessly lost and creditors are needlessly denied access to corporate assets. By encouraging the IMF to push for meaningful bankruptcy reform in economically troubled nations, we will strengthen the global marketplace and provide much-needed certainty to international investors.

The amendment I will offer has been developed in conjunction with the Office of Legal Advisor in the State Department as well as specialists in the field of international bankruptcies who have direct, first-hand experience working with the bankruptcy and insolvency systems in the troubled Asian nations. So, I believe my amendment will result in positive and meaningful change. I urge the passage of my amendment.

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

The amendments (Nos. 2117 through 2119) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2120

(Purpose: To strike unrelated and unnecessary HCFA funding from the bill)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. NICKLES, proposes an amendment numbered 2120.

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

Mr. STEVENS. Mr. President, Senator NICKLES intends to raise that amendment tomorrow. It has not been cleared.

AMENDMENT NO. 2080

Mr. KENNEDY. Mr. President, I opposed the amendment by the Senator from Missouri. The so-called "Family Friendly Workplace Act" is anything but family-friendly. It is anti-worker and anti-family, and it should not take time away from this emergency appropriations bill.

The amendment was offered three times in the last session, and each time, my colleagues on the other side failed to invoke cloture. The reason is clear: the "Family-Friendly Workplace Act" has an appealing title, but appalling substance. It will never become law—nor should it.

This amendment was offered last June while we were debating another necessary appropriations bill. That bill provided billions of dollars of relief to Americans in the Midwest, who were suffering the devastating effects of floods. Yet my colleagues on the other side insisted on delaying that emergency legislation, so they could offer this amendment.

On this side of the aisle, we stood up to the opposition. We said "no." We said that Americans in the Dakotas and Minnesota desperately needed help. They needed assistance to recover their homes, their property and their lives. We defeated the opposition's efforts to jam this bill through the Senate.

Each time the legislation was offered, we defeated it. Finally, last June, the bill's supporters withdrew. We thought we had seen the last of this regressive legislation.

But no, here we go again. Another essential appropriations measure is on the floor, and what do my friends on the other side do? They return to this anti-worker, anti-family amendment.

We won't let it happen this time, any more than we did last June.

Before I discuss the fatal flaws in this legislation, let me make one additional point. For the past ten days, the Senate has been trying to consider an education bill. Throughout that period, the Majority Leader has insisted that only amendments "germane" to the bill should be discussed. He refuses to allow those on this side to discuss amendments addressing the nation's crumbling public schools. He won't allow debate on amendments dealing with reducing class size. And he blocks discussion of amendments meant to encourage more college graduates to become teachers.

Somehow, these education amendments aren't important enough to warrant consideration on the floor of the Senate. The Majority will not allow full and fair debate on these significant policy issues.

But there is a double standard at work. The appropriations measure currently before us is an emergency measure. It provides essential support to our troops in Bosnia and other troubled areas of the world. And, it gives emergency relief to families devastated by tornadoes, floods and ice storms, from Maine to Florida to California.

Apparently the Majority Leader is prepared to delay this emergency appropriations bill with a totally unrelated amendment.

The inconsistency is obvious. The Majority will not permit debate on important education amendments, because they do not want to delay tax breaks to families who can afford to send their children to private school. But when it comes to postponing essential financial help to American soldiers overseas, and American families at home suffering from disastrous weather conditions—that is acceptable to my Republican friends. Those on the other side of the aisle may find this approach satisfactory, but those on this side couldn't disagree more.

Now, I'd like to offer a few words on the substance of the amendment. Just a brief review demonstrates why it is unacceptable, and why it will never become law.

First, the amendment is a pay cut for 65 million American workers. The so-called "biweekly work schedule" lets employers schedule workers for 60, 70, even 80 hours in a single week. Employers pay every hour at the employee's regular rate, as long as the total number of hours worked in a two-week period does not exceed 80. Under current law, every hour worked over 40 must be paid at time-and-a-half. This proposal would abolish that guarantee.

Second, the amendment cuts benefits. In many industries, health and retirement benefits are based on the number of hours that employees worked. But the amendment does not guarantee that "comp time" or "flexible credit hours" must be considered "hours worked" for these important purposes. The result could be lower pensions and fewer health benefits. This does not help working families.

The amendment does not even assure employees an increase in time off. If an employee takes 8 hours of comp time on a Monday in order to spend time with her family, the employer is free to force the employee to work on Saturday to make up for the lost time. The employer does not even have to pay time-and-a-half for the hours worked on Saturday. The comp time hours used on Monday do not count toward

the 40-hour week. This does not help working families.

Despite supporters' claims, this provision does not move the Fair Labor Standards Act into the 21st century. Instead, it turns back the clock, and makes it harder for workers to juggle the obligations of their job with the demands of their family.

Third, the proposal abolishes the 40-hour week. That protection has been basic to employee-employer relations for nearly 60 years. Yet the Republicans want to return to the days when employees could be forced to work from sunup to sundown, day after day. This does not help modern working families juggle their obligations at home and at work.

Finally, the amendment does not guarantee employee choice. The employer chooses who works overtime and when an employee can use accrued comp time. The employer is free to assign all the overtime work to employees who will accept comp time. Those employees who need the money the most, who can't afford to take time off, would be hurt the most. Their paychecks would be smaller. This is discrimination, and it is wrong—but the proposal does nothing to prevent it.

And nothing in the proposal guarantees that workers can take time off when they want to or need to. The proposal does not guarantee any worker the right to use compensatory time under any circumstances. Even if the employee has a legal right under the Family and Medical Leave Act to take time off, the amendment does not give the employee the right to use earned compensatory hours for that purpose.

This amendment is a cruel hoax. It does not help working men, it does not help working women, and it does not help working families.

Many organizations that have historically struggled for the rights of working women and their families recognize the fatal flaws in this proposal. 9 to 5, the National Association of Working Women; the American Nurses Association; the Business and Professional Women; the National Council of Jewish Women; the National Women's Law Center; the Women's Legal Defense Fund; the League of Women Voters; the American Association of University Women—the list goes on and on.

These organizations have fought for years to improve working women's lives on the job and in the home. They have supported affordable and high-quality child care. They have supported a living wage on the job. They were in the forefront of the battle to achieve Family and Medical Leave. From pay equity to pension equity to equal opportunity at home and at work, these organizations and others like them have worked tirelessly with and for working women.

Yet these groups uniformly oppose this proposal. Last spring they sent a letter to Senators LOTT and DASCHLE, expressing their belief that the bill "fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers."

These organizations understand that working women may want more time with their families, but they cannot afford to give up overtime pay. As the letter to Senators LOTT and DASCHLE explained, "Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40-hour work week."

Democrats in Congress understand these concerns, and we are prepared to honor them. Unfortunately, this legislation either ignores these problems or makes them worse.

This is a bad bill, and the President has rightly promised to veto it should it ever reach his desk. But it should never leave the Senate.

The Senate was right to reject this proposal last year, and we would have done so again today.

DISASTER RELIEF NEEDS OF U.S. MILITARY INSTALLATIONS IN CALIFORNIA

Mrs. BOXER. Mr. President, as I did during the Appropriations Committee mark-up of the emergency supplemental bill, I wanted to take a few moments and thank Senator STEVENS and Senator BYRD for their efforts on this important legislation. Once again, my state of California will be able to rebound from a devastating natural disaster, thanks to the leadership of these two distinguished Senators.

One of the consequences of El Nino has been extensive damage to the military infrastructure in my state. High winds and massive flooding have left a trail of destruction that must be addressed. This legislation includes important disaster funding that is critical to the readiness of our Armed Forces and to the quality of life of our military personnel.

I was pleased that the administration requested $50 million in contingency funding for El Nino related disasters. I am also thankful that a portion of these funds have been designated to repair Marine Corps facilities and Air Force family housing in California. However, it is my understanding that damage estimates from California are still evolving and it is likely that the current allotment for California will not be sufficient.

I would like to ask Senator STEVENS, Chairman of the Appropriations Committee, if it is his intention during conference committee to increase disaster funding for California military installations when better estimates from the Defense Department are made available?

Mr. STEVENS. Mr. President, in the bill being reported by the House today, the House of Representatives has included additional funds for damages incurred from these storms. This amount is based on updated figures that have become available, subsequent to the President's submission to the Congress.

Mrs. BOXER. Mr. President, I thank my friend, Chairman STEVENS, for his continued leadership. His assistance is greatly appreciated. These funds are very important to California and to those serving our nation in the Armed Forces.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

ANNIVERSARY OF THE EDISON, NJ, PIPELINE ACCIDENT

Mr. LOTT. Mr. President, I rise today to recognize the anniversary of the tragic and frightening natural gas explosion that occurred four years ago near Edison, New Jersey. According to the National Transportation Safety Board, that accident was caused by a gouge in a major natural gas pipeline from unreported external damage during excavation. This dramatic accident caused Congress to focus on underground damage prevention.

Mr. President, I knew then that we needed to act to prevent future damage to the American underground infrastructure. I started working with Senator Bradley and Senator LAUTENBERG to develop "one-call" legislation to improve state laws so as to require excavators to call before they dig, and facility owners to mark their underground facilities accurately when notified. In spite of the clear need to act to reduce the number of dangerous and disruptive accidents at our underground facilities, the consensus needed to pass a one-call bill has eluded Congress for four years. This Congress is going to be different.

Mr. President, the Senate has twice passed a one-call bill in this Congress. The Senate has made a great start. The Senate has a bipartisan bill. The Senate has a bill passed by all 100 members. The Lott-Daschle one-call bill (S.1115) passed the Senate unanimously. In the House, the Baker-Pallone one-call bill (H.R. 3318) is moving ahead. I believe this legislation is a compatible component for the ISTEA

bill. There is an overwhelming logic that as this Congress deals with the surface infrastructure it should deal with our underground infrastructure. ISTEA is the right legislative vehicle for one-call.

I promised my good friend, Bill Bradley, when he left the Senate that I would continue the legislative effort. This Congress is not going to let another anniversary pass without enacting a one-call bill into law. This Congress will not turn its back on Edison, New Jersey. This Congress will not turn its back on a common sense safety procedure. This Congress will not allow future Americans to be subjected to the tragic consequences of an avoidable natural gas explosion.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 23, 1998, the federal debt stood at $5,539,832,909,123.38 (Five trillion, five hundred thirty-nine billion, eight hundred thirty-two million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight cents).

Five years ago, March 23, 1993, the federal debt stood at $4,219,501,000,000 (Four trillion, two hundred nineteen billion, five hundred one million).

Ten years ago, March 23, 1988, the federal debt stood at $2,481,367,000,000 (Two trillion, four hundred eighty-one billion, three hundred sixty-seven million).

Fifteen years ago, March 23, 1983, the federal debt stood at $1,229,199,000,000 (One trillion, two hundred twenty-nine billion, one hundred ninety-nine million).

Twenty-five years ago, March 23, 1973, the federal debt stood at $457,287,000,000 (Four hundred fifty-seven billion, two hundred eighty-seven million) which reflects a debt increase of more than $5 trillion—$5,082,545,909,123.38 (Five trillion, eighty-two billion, five hundred forty-five million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight 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.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:03 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, has announced that the Speaker has signed the following enrolled bill:

S. 758. An act to make certain technical connections to the Lobbying Disclosure Act of 1995.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4374. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Economic Effects of the Northeast Interstate Dairy Compact"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4375. A communication from the Assistant Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4376. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a notice relative to 1998 salary range structure; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4377. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the annual report of the performance plan for fiscal year 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4378. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC–4379. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC–4380. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to Congressionally-mandated reporting requirements; to the Committee on Armed Services.

EC–4381. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to authorize military construction; to the Committee on Armed Services.

EC–4382. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled the "National Defense Authorization Act for Fiscal Year 1999"; to the Committee on Armed Services.

EC–4383. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4384. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4385. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC–4386. A communication from the Secretary of Defense, transmitting, notices relative to retirement; to the Committee on Armed Services.

EC–4387. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the numbers of military technician positions; to the Committee on Armed Services.

EC–4388. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the DDG-51 program; to the Committee on Armed Services.

EC–4389. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to commissary stores; to the Committee on Armed Services.

EC–4390. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to DOD purchases; to the Committee on Armed Services.

EC–4391. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the F-22 aircraft program; to the Committee on Armed Services.

EC–4392. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to AGR personnel; to the Committee on Armed Services.

EC–4393. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Manufacturing Technology Program; to the Committee on Armed Services.

EC–4394. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Research Working Group of the interagency Persian Gulf Veterans' Coordinating Board; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Demilitarization Technology Program; to the Committee on Armed Services.

EC–4396. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4397. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4398. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February

24, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4403. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4404. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of three rules received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4406. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4407. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4408. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4409. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4410. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4411. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4412. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4413. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4414. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4415. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4416. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4417. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the reports of twenty-two rules received on February 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4418. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4419. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC–4420. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC–4421. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Hawaii Volcanoes National Park Adjustment Act of 1998"; to the Committee on Energy and Natural Resources.

EC–4422. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 20, 1998; to the Committee on Environment and Public Works.

EC–4423. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–357. A petition from the Lithuanian American Council, Inc. of Cicero, Illinois relative to the East Prussia, Kaliningrad Region; to the Committee on Foreign Relations.

POM–358. A petition from a citizen of the State of Texas relative to the Congressional Record and the Journal of the U.S. Senate; to the Committee on Rules and Administration.

POM–359. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, tobacco is addictive and detrimental to people's health; and

Whereas, people of all ages are affected by the use of tobacco; and

Whereas, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

Whereas, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

Whereas, farms with fertile soil grow over a ton of tobacco per acre; and

Whereas, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

Whereas, the $358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

Whereas, the tobacco quota rights program gives producers permission to grow tobacco at $8 per pound and gives transition payments to producers who lease the quota rights; and

Whereas, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

Whereas, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

Resolved, That We, your Memorialists, request the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other states; and each member of the Maine Congressional Delegation.

POM–360. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 24

Whereas, the State of New Hampshire was the ninth state to enter the union; and

Whereas, the first-in-the-nation New Hampshire presidential primary plays a vital role in the election of our nation's presidents; and

Whereas, 59 servicemen from New Hampshire have earned the United States highest military honor, the Congressional Medal of Honor; and

Whereas, since June 12, 1800, the Portsmouth Naval Shipyard has provided invaluable service to the fleet; and

Whereas, New Hampshire was the home of Franklin Pierce, the fourteenth president of the United States; and

Whereas, New Hampshire veterans have fought for the United States in every major conflict in American history; and

Whereas, the people of New Hampshire are extremely proud of their service members who today serve in all corners of the world; and

Whereas, the United States Navy has not had a commissioned vessel in its fleet honoring the state of New Hampshire since May 21, 1921; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened, That the state of New Hampshire encourages the Department of the Navy to name a vessel in its fleet the U.S.S. New Hampshire; and

That copies of this resolution signed by the governor, the speaker of the house, and the president of the senate be forwarded by the house clerk to each member of the New Hampshire congressional delegation to be forwarded to the Secretary of the Navy for consideration and appropriate action.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–172).

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. ABRAHAM (for himself, Mr. LEVIN, Mr. LEAHY, Mr. SANTORUM, Mr. DEWINE, Mr. GLENN, Mr. COATS, Mr. KOHL, Mr. GORTON, and Mr. GRAMS):

S. 1823. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1824. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain skating boots used for in-line skates; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. MURKOWSKI, and Mr. SARBANES):

S. 1825. A bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 1826. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on personal effects of participants in the 1999 Women's World Cup; to the Committee on Finance.

By Mr. HELMS:

S. 1827. A bill to suspend temporarily the duty on dialklnaphthalene suflonic acid sodium salt; to the Committee on Finance.

S. 1828. A bill to suspend temporarily the duty on sodium N-methyl-N-oleoly taurate; to the Committee on Finance.

S. 1829. A bill to suspend temporarily the duty on O-(6-chloro-3-phenyl-4-pyridazinyl)-S-0ctyl-carbonothioate; to the Committee on Finance.

S. 1830. A bill to suspend temporarily the duty on 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine; to the Committee on Finance.

S. 1831. A bill to suspend temporarily the duty on O,O-Dimethyl-S-(5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl)-dithiophosphate; to the Committee on Finance.

S. 1832. A bill to suspend temporarily the duty on (Ethyl (2-(4-phenoxyphenoxy) ethyl) carbamate; to the Committee on Finance.

S. 1833. A bill to suspend temporarily the duty on 1-(4-methoxy-6-methyl-triazin-2-yl)-3-(2-(3,3,3-trifluoropropyl)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1834. A bill to suspend temporarily the duty on 3-(4,6-Bis (difluoromethoxy)-pryimidin-2-yl)-1-(methoxy-carbonylphenylsulfonyl) urea; to the Committee on Finance.

S. 1835. A bill to suspend temporarily the duty on 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1836. A bill to suspend temporarily the duty on ((2S,4R)/(2R,4S)/(2R,4R)/(2S,4S))-1-(2-(4-(4-chloro-phenoxy)-2-chlorophenyl)-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole; to the Committee on Finance.

S. 1837. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1838. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1839. A bill to suspend temporarily the duty on 2-chloro-N-(2,6-dinitro-4-(trifluoromethyl) phenyl)-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

S. 1840. A bill to suspend temporarily the duty on chloroacetone; to the Committee on Finance.

S. 1841. A bill to suspend temporarily the duty on orthonitrophenyl; to the Committee on Finance.

S. 1842. A bill to suspend temporarily the duty on acetic acid, ((2-chloro-4-fluoro-5-((tetrahydro-3-oxo-1h,3H-(1,3,4) thiadiazolo(3,4-A)pyridazin-1-ylidene)amino)phenyl)thio)-,methyl ester; to the Committee on Finance.

S. 1843. A bill to suspend temporarily the duty on acetic acid, ((5-chloro-8-quinolinyl)oxy)-1-methyhexyl ester; to the Committee on Finance.

S. 1844. A bill to suspend temporarily the duty on calcium oxytetracycline; to the Committee on Finance.

S. 1845. A bill to suspend temporarily the duty on Tinopal CBS-X; to the Committee on Finance.

S. 1846. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1847. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1848. A bill to suspend temporarily the duty on propanoic acid, 2-(4-((5-chloro-3-fluor-2-pyridinyl)oxy)-phenoxyl)-2-propynyl ester; to the Committee on Finance.

S. 1849. A bill to suspend temporarily the duty on trifluoromethylaniline; to the Committee on Finance.

S. 1850. A bill to suspend temporarily the duty on mucochloric acid; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1851. A bill to suspend temporarily the duty on certain rocket engines; to the Committee on Finance.

By Mr. THURMOND:

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI:

S. Res. 199. A resolution designating the last week of April of each calendar year as "National Youth Fitness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND.

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce three bills which will temporarily suspend the duties on parts used to manufacture loudspeakers. Currently, these parts are imported into the United States.

The three items which will receive temporary duty suspensions are certain electrical transformers, loudspeakers not mounted in their enclosures, and parts for loudspeakers. The tariffs on these items are scheduled for elimination in the Information Technology Agreement II that is currently being negotiated in the World Trade Organization.

Mr. President, suspending the duty on these items will allow a South Carolina industry to be competitive in the world marketplace. I hope the Senate will consider these measures expeditiously.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON PARTS FOR USE IN THE MANUFACTURE OF LOUDSPEAKERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.18	Parts for use in the manufacture of loudspeakers (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.19	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN ELECTRICAL TRANSFORMERS FOR USE IN THE MANUFACTURE OF AUDIO SYSTEMS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.85.04	Electrical transformers having a power handling capacity less than 1 kVA for use in the manufacture of audio systems (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

THE WORKPLACE INFORMATION READABILITY AND ELECTRONIC DISSEMINATION ACT

Mr. WYDEN. Mr. President, today, I am introducing legislation that would improve and modernize the current system for accessing information about hazardous chemicals in the workplace. This legislation will make it easier for workers to protect themselves against chemical exposure risks in their workplaces by giving them online access to essential safety information. It will also make this information more quickly accessible in the event of an emergency.

Under current regulations, employers are required to have available in the workplace Material Safety Data Sheets (MSDS) describing every chemical ever used at the site. The MSDS contains information about the chemical and what to do in the event a worker is exposed by ingesting it, having it splash on the skin or in the eyes.

Employers typically keep MSDS sheets in huge binders making them difficult to access quickly during actual exposure incidents. As a result, emergency personnel may have to flip through page after page of information to find out how to respond to the specific chemical exposure. This complies with the law, but it's not the best way to get critical information in an emergency.

The better approach is to have the information accessible online. This can greatly reduce the time it takes to get essential information on the proper first aid procedures in the event of exposure. In some cases, this faster response can literally mean the difference between life and death.

The bill I am introducing today allows—but does not require—electronic access to MSDS information, so there is no mandate that employers have to switch to an electronic system. This legislation simply updates the current workplace safety system to recognize the widespread use of computers in the workplace. It merely provides an additional option that can yield better protection for workers with less hassle for employers.

My legislation requires chemical hazard information to be written in plain English, so that workers and emergency personnel can better understand the risks and what to do in an emergency. The MSDS sheets now in use are typically written by lawyers to protect the chemical manufacturers from liability. Because they are often written in legalese, it is difficult for workers to understand MSDS, especially in emergencies.

For example, instead of simply stating, "Keep this material away from your eyes," the instructions on one MSDS say "Avoid ocular contact." Workplace safety information should be understandable to all employees without having to look up every other word in the dictionary.

My legislation addresses this problem by requiring information on new hazardous chemicals brought into the workplace to be written in easily understandable English.

This legislation has the support of Oregon OSHA officials, industry and union safety officials. A companion bill introduced in the House this week has bipartisan support. I urge my colleagues to support this common sense workplace safety initiative.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Oregon, Senator WYDEN, in introducing the Workplace Information, Readability and Electronic Dissemination (or WIRED) Act, which will significantly improve the ability of both workers and employers to use and understand the Material Safety Data Sheets that accompany potentially hazardous chemicals used in the workplace.

The Occupational Safety and Health Administration rightly requires employers to provide information to their employees about hazardous chemicals used in the workplace on Material Safety Data Sheets, or MSDSs. These MSDSs, which are provided by the manufacturer, must be "readily accessible" to employees during each work shift and must include information about the manufacturer, the physical properties of the chemical, health precautions that should be taken, and instructions on how to handle spills and other emergencies.

OSHA issued the rule requiring MSDSs in the workplace in the early 1980s, well before computers and fax machines became routine fixtures in virtually every workplace. As a consequence, employers are required to keep huge, loose-leaf notebooks or file cabinets filled with handwritten or printed MSDSs in the workplace at all times. More often than not, the MSDSs are tattered, stained and out-of-date since, in an average inventory, as many as 7 percent will become obsolete within a month. Finding the right MSDS quickly in an emergency under these circumstances can be a real challenge, particularly since they can easily be misfiled.

In this age of electronic communication, there simply are better ways for employers and employees to maintain and access this important safety information. Currently, there are a number of different products on the market

such as CD-ROMs and fax-on-demand response systems that provide all the MSDS information an employer or employee might need within minutes of the request. Businesses contend that these services are more efficient, since they allow an independent service to maintain the information and the employees to access the information instantaneously and at will. Not only are computer systems faster, but they also enable employees to cross-reference different chemicals. These electronic systems are certainly better than the current paper system required by OSHA, which requires fumbling through a notebook or file cabinet, hoping that the MSDSs are current and filed correctly.

Unfortunately, OSHA will not allow employers to replace their paper MSDS systems with electronic access. As a consequence, many employers have been reluctant to take advantage of these superior new systems. The legislation we are introducing today will enable employers to bring their MSDS system into the 21st century by clarifying that employers have the option of replacing their paper system with electronic access, as long as the new system is readily available to all employees.

Another problem with the current system is that the information presented on a MSDS is extremely technical and complicated, making it difficult for many employees to understand, particularly when an accident has occurred and time is of the essence. Not only is the information on the MSDS itself technical, but it is also presented in language that is too advanced for the vast majority of manufacturing workers to understand. According to a review of the National Center for Education Statistics 1992 Adult Literacy Survey, the information on a typical MSDS requires a Level 5 reading proficiency, while the same survey shows that manufacturing workers typically read at a Level 2.

This situation is complicated by the fact that there is no standard format for MSDSs and different manufacturers have different formats for presenting the same information. This makes it difficult for employees who must look at more than one MSDS to find the information they need quickly, and quick information is particularly important in an emergency. The legislation we are introducing today will therefore require OSHA not only to standardize the format for MSDSs, but also to ensure that they are written at a literacy level that is appropriate for the typical industrial worker.

Mr. President, the legislation we are introducing today will not only make it easier for employers to comply with important OSHA safety standards, but it will also ensure that their employees have better access to accurate and up-to-date safety information that they can both read and understand. Enactment of the WIRED Act will result in safer, more efficient workplaces, and I encourage all of my colleagues to join us as cosponsors.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ROBB), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1284

At the request of Mr. ROBERTS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1284, a bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1737

At the request of Mr. MACK, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1811

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1811, a bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the Medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. KEMPTHORNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. LEVIN the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2077 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

SENATE RESOLUTION 199—DESIGNATING "NATIONAL YOUTH FITNESS WEEK"

Mr. TORRICELLI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 199

Whereas we are witnessing a historic decrease in the health of our Nation's adolescents with only 22 percent of our children physically active for the recommended 30 minutes each day and nearly 15 percent of American youths almost completely inactive;

Whereas even physical education classes are on the decline with 75 percent of students in America not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in just 4 years;

Whereas more than 60,000,000 people, ⅓ of the Nation's population, are overweight and even more disturbing, the percentage of overweight adolescents has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, our Nation's adolescents;

Whereas adolescents represent the future of the Nation and the decrease in physical fitness in the United States may destroy our future potential unless we invest in our youthful population today to increase our productivity and stability tomorrow;

Whereas regular physical activity has proven effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of our Nation's youth; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning with the last Sunday in April of each calendar year as "National Youth Fitness Week";

(2) urges parents, families, caregivers, and teachers to encourage and help adolescents to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation each calendar year designating such week as "National Youth Fitness Week" and encouraging the people of the United States to observe this week with appropriate activities and celebrations.

Mr. TORRICELLI. Mr. President, I rise today to address a crisis facing our youngest citizens. Physical inactivity among our children is threatening the very foundation of the health of our nation. Physical inactivity and poor diet together account for at least 300,000 deaths in the United States each year. Only tobacco use contributes to more preventable deaths. More than 58 million American adults, one third of the population, are overweight or obese. Even more alarming, childhood obesity rates are rising with 22 percent of children now overweight, a percentage that has doubled in the past 30 years.

This growing trend of inactivity is especially dangerous for our younger generations. According to the National Center for Health Statistics, nearly half of our young people aged 12–21 do not engage in vigorous physical activity on a regular basis. In fact, only 22 percent of American children are physically active for the recommended 30 minutes each day and nearly 15 percent are completely inactive. As the Centers for Disease Control point out, these destructive behaviors established during youth are likely to extend into adulthood. We must be proactive in setting a positive example for our children and stop the negative behavior before it starts.

To plant the seed for a healthy future, we must continue to cultivate and educate our children. Fostering enjoyment of exercise in our adolescents will spur them to maintain a healthy lifestyle into adulthood. The result will be fewer physical and mental disorders and increased productivity. As Dr. C. Everett Koop recently pointed out "this is not an issue requiring additional fact-finding before action is taken." The time for action is now.

A national commitment to lifetime fitness must be fostered. Congress has the opportunity and the responsibility to step forward and take a crucial leadership role. Several programs are currently addressing this important issue but they need our active support: the CDC's National Physical Activity Initiative, the President's Council on Physical Fitness and Sports, C. Everett Koop's "Shape Up America" campaign, the YMCA's Healthy Kids Day, and most recently, the National Sporting Good Association's "Wannabe Cool, Gottabe Active" campaign.

These programs, and others like them, need our encouragement, our gratitude and our support. That is why I am here today. To submit a resolution declaring the last week in April National Youth Fitness Week. Together we can reverse the trend in physical inactivity and restore our nation to a course of wellness, fitness and productivity. It is our responsibility as the nation's leaders to ensure a healthy America.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

McCAIN AMENDMENT NO. 2084

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal year 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

STEVENS (AND OTHERS) AMENDMENT NO. 2085

Mr. STEVENS (for himself, Mr. COCHRAN, Mrs. BOXER, Mr. BUMPERS, Mr. BYRD, Mr. BOND, Mr. LOTT, and Mr. FORD) proposed an amendment to the bill, S. 1768, supra; as follows:

Pg. 15, after line 21 of the bill insert:

"SEC. . Nothwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

HATCH (AND OTHERS) AMENDMENT NO. 2086

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. WARNER, Mr. LAUTENBERG, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 51, strike lines 5 through 16 and insert in lieu thereof the following:

"SEC. 2001. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the Patent and Trademark Office to plan for the construction or lease of new facilities until 30 days after the submission of a report by the Secretary of Commerce, to be delivered not later than May 1, 1998, to the Committees on Appropriations analyzing whether the project is properly scoped, the procurement properly structured, and whether the project should go forward. Such funds shall only be made available in accordance with section 605 of Public Law 105–119."

GRAMM (AND SANTORUM) AMENDMENT NO. 2087

(Ordered to lie on the table.)

Mr. GRAMM (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

WYDEN AMENDMENT NO. 2088

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . ELIMINATION OF SECRECY IN INTERNATIONAL FINANCIAL AND TRADE ORGANIZATIONS.

The President shall instruct the United States Representatives to the World Trade

Organization, the International Monetary Fund, the World Bank, and regional development banks in which the United States is a member to seek the implementation of a system of open meetings and activities in their respective organizations. Open meetings and activities in an organization include, but are not limited to, a policy that—

(1) all meetings sponsored by the organization and involving delegates from member countries are open to the public;

(2) all activities involving voting by member countries are open to the public; and

(3) all records of meetings and activities are made available to the public.

BAUCUS AMENDMENT NOS. 2089–2090

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2089

On page 5, after line 23, add the following:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

FOOD ANIMAL RESIDUE AVOIDANCE DATABASE

For an additional amount for the Food Animal Residue Avoidance Database, $150,000.

AMENDMENT NO. 2090

On page 59, between lines 7 and 8, insert the following:

SEC. . CLAIMS REGARDING PROTEIN CONTENT OF WHEAT.

(a) IN GENERAL.—Notwithstanding section 2401 of title 28, United States Code, a claim described in subsection (b) shall be considered to be timely filed if the claim is filed with the Secretary of Agriculture by the date that is 90 days after the date of enactment of this Act.

(b) CLAIMS.—Subsection (a) applies to a claim that is—

(1) filed under section 1346 of title 28, United States Code, by a wheat producer in the United States that sold hard red spring wheat or durum wheat during the period beginning May 2, 1993, and ending January 24, 1994; and

(2) based on the alleged negligence of the Secretary of Agriculture in connection with the determination of the protein content of the wheat.

BAUCUS (AND BURNS) AMENDMENT NO. 2091

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. BURNS) submitted an amendment intended to be proposed by them to the bill. S. 1768, supra; as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity for 1 6-month period.".

STEVENS AMENDMENT NO. 2092

Mr. STEVENS proposed an amendment to the bill, S. 1768, supra; as follows:

On page 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B-278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission under the Commission's Report and Order (FCC 97-157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from

time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

BROWNBACK AMENDMENT NO. 2093

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page ___, after line ___, insert the following:

SEC. ___. FULL OFFSET OF SPENDING.

Upon enactment of this Act, the Director of the Office of Management and Budget shall reduce the nondefense discretionary spending limits (on a pro rata basis for each category) for budget authority for fiscal year 1999 by the amounts required to offset budget authority provided for fiscal year 1998 in this Act. This section shall apply to any amount designated as emergency spending in this Act.

ASHCROFT AMENDMENTS NOS. 2094–2095

Ordered to lie on the table.)

Mr. ASHCROFT submittted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2094

At the appropriate place insert the following:

SEC. ___. ESTABLISHMENT OF, AND LIMITATION ON FUTURE CHANGES TO, PUBLICLY-HELD FEDERAL DEBT CEILING.

(a) ESTABLISHMENT OF PUBLICLY-HELD FEDERAL DEBT CEILING.—Section 3101(b) of title 31, United States Code, is amended—

(1) by striking "(b) The face amount" and inserting "(b)(1) Subject to paragraph (2), the face amount", and

(2) by adding at the end the following:

"(2) The face amount of the obligations described in paragraph (1) not held by Government accounts may not be more than $3,774,000,000,000 outstanding at one time.".

(b) POINT OF ORDER AGAINST CHANGES IN PUBLICLY-HELD FEDERAL DEBT CEILING.—Title IV of the Congressional Budget Act of 1974 is amended by—

(1) redesignating section 407 as section 408; and

(2) inserting after section 406 the following:

"POINT OF ORDER AGAINST CHANGES IN PUBLICLY-HELD FEDERAL DEBT CEILING

"SEC. 407. (a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding any other provision of law, it shall not be in order in the Senate or House of Representatives to consider any bill, resolution, or resolution of ratification (or amendment, motion, or conference report on that bill or resolution) that would raise the Federal debt limit specified in section 3101(b)(2) of title 31, United States Code, for any fiscal year.

"(b) EXCEPTION FOR DECLARATION OF WAR.—Subsection (a) shall not apply if a declaration of war by the Congress is in effect.

"(c) TIMING OF POINTS OF ORDER IN THE SENATE.—A point of order under subsection (a) may not be raised against a bill, resolution, amendment, motion, or conference report while an amendment or motion, the adoption of which would remedy the violation of subsection (a), is pending before the Senate.

"(d) POINTS OF ORDER IN THE SENATE AGAINST AMENDMENTS BETWEEN THE HOUSES.—The provision of subsection (a) that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under subsection (a) is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

"(e) EFFECT OF A POINT OF ORDER IN THE SENATE.—In the Senate, if a point of order under subsection (a) against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

"(f) WAIVER.—A point of order under subsection (a) may be waived or suspended in the Senate and the House of Representatives only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.".

(c) CLERICAL AMENDMENT.—The table of contents of the Congressional Budget and Impoundment Control Act of 1974 is amended in title IV by—

(1) redesignating section 407 as section 408; and

(2) inserting after the item for section 406 the following:

"Sec. 407. Point of order against changes in level of publicly-held Federal debt.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1998.

AMENDMENT NO. 2095

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. ___. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(1) increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability; and

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

GORTON AMENDMENTS NOS. 2096–2097

(Ordered to lie on the table.)

Mr. GORTON submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2096

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

AMENDMENT NO. 2097

On page ___, line ___ of the amendment, strike "House of Representatives." and insert the following:

House of Representatives.

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

LEAHY (AND OTHERS) AMENDMENT NO. 2098

Mr. LEAHY (for himself, Mr. ABRAHAM, Mr. LEVIN, Mr. DEWINE, Mr. GLENN, Mr. KOHL, Mr. GORTON, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. FEINGOLD) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

CHAFEE AMENDMENT NO. 2099

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page 17, beginning on line 10, strike "to be conducted at full Federal expense".

MCCONNELL (AND OTHERS) AMENDMENT NO. 2100

Mr. MCCONNELL (for himself, Mr. HAGEL, Mr. GRAMM, and Mr. STEVENS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

FRIST (AND BYRD) AMENDMENT NO. 2101

Mr. STEVENS (for Mr. FRIST, for himself and Mr. BYRD) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

GORTON (AND GREGG) AMENDMENT NO. 2102

Mr. GORTON (for himself and Mr. GREGG) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

FAIRCLOTH AMENDMENT NO. 2103

Mr. FAIRCLOTH proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

SEC. ___. EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

GRAMM (AND SANTORUM) AMENDMENT NO. 2104

Mr. GRAMM (for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

FAIRCLOTH AMENDMENT NO. 2105

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 2029 submitted by Mr. KERREY to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Beginning with page 5, line 8, and ending with page 30, line 13, strike all, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internal Revenue Service Private Citizen Oversight Board Act of 1998".

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Internal Revenue Service Oversight Board.
Sec. 3. Commissioner of Internal Revenue; other officials.
Sec. 4. Other personnel.
Sec. 5. Prohibition on executive branch influence over taxpayer audits and other investigations.

SEC. 2. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) IN GENERAL.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

"(a) ESTABLISHMENT.—There is established within the Department of the Treasury the

Internal Revenue Service Oversight Board (hereafter in this subchapter referred to as the 'Oversight Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Oversight Board shall be composed of 9 members who are not Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS AND TERMS.—

"(A) QUALIFICATIONS.—Members of the Oversight Board shall be appointed solely on the basis of their professional experience and expertise in 1 or more of the following areas:

"(i) Management of large service organizations.

"(ii) Customer service.

"(iii) Federal tax laws, including tax administration and compliance.

"(iv) Information technology.

"(v) Organization development.

"(vi) The needs and concerns of taxpayers.

"(vii) Management or ownership of a small business.

In the aggregate, the members of the Oversight Board should collectively bring to bear expertise in all of the areas described in the preceding sentence.

"(B) TERMS.—Each member shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)—

"(i) 1 member shall be appointed for a term of 1 year,

"(ii) 1 member shall be appointed for a term of 2 years,

"(iii) 2 members shall be appointed for a term of 3 years, and

"(iv) 2 members shall be appointed for a term of 4 years.

Such terms shall begin on the date of appointment.

"(C) REAPPOINTMENT.—An individual may be appointed to no more than two 5-year terms on the Oversight Board.

"(D) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(E) SPECIAL GOVERNMENT EMPLOYEES.—During the entire period that an individual is a member of the Oversight Board, such individual shall be treated as—

"(i) serving as a special government employee (as defined in section 202 of title 18, United States Code) and as described in section 207(c)(2) of such title, 18, and

"(ii) serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act.

"(3) QUORUM.—6 members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

"(4) REMOVAL.—Any member of the Oversight Board may be removed at the will of the President.

"(5) CLAIMS.—

"(A) IN GENERAL.—Members of the Oversight Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Oversight Board."

"(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

"(i) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

"(ii) to affect any other right or remedy against the United States under applicable law, or

"(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(c) GENERAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Oversight Board shall oversee the Internal Revenue Service in its administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statues and tax conventions to which the United States is a party.

"(2) REQUIREMENT FOR DISCLOSURE OF RETURN INFORMATION TO OVERSIGHT BOARD MEMBERS.—Notwithstanding any other provision of law, any return, return information, or taxpayer return information (as defined in section 6103(b)) shall, without written request, be open to inspection by or disclosure to the members and staff of the Internal Revenue Service Oversight Board.

"(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

"(1) STRATEGIC PLANS.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(A) mission and objectives, and standards of performance relative to either, and

"(B) annual and long-range strategic plans.

"(2) OPERATIONAL PLANS.—To review the operational functions of the Internal Revenue Service, including—

"(A) plans for modernization of the tax system, including the procurement of information technology intended to process tax returns,

"(B) plans for outsourcing or managed competition, and

"(C) plans for training and education.

"(3) MANAGEMENT.—To—

"(A) recommend to the President candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner,

"(B) review the Commissioner's selection, evaluation, and compensation of senior managers,

"(C) review and approve the Commissioner's plans for any major reorganization of the Internal Revenue Service, and

"(D) review, and make recommendations to the Commissioner concerning, the auditing procedures and collection activities of the Internal Revenue Service.

"(4) BUDGET.—To—

"(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(B) submit such budget request to the Secretary of the Treasury, and

"(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

"(e) OVERSIGHT BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Oversight Board shall be compensated at a rate not to exceed $30,000 per year.

"(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Oversight Board shall be compensated at a rate not to exceed $50,000.

"(2) TRAVEL EXPENSES.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business for purposes of attending meetings of the Oversight Board.

"(3) STAFF.—At the request of the Chairperson of the Oversight Board, the Commissioner shall detail to the Oversight Board such personnel as may be necessary to enable the Oversight Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege. The Chairperson of the Oversight Board may recommend to the Commissioner specific staff of the Internal Revenue Service for detail to the Oversight Board, and may recommend to the Commissioner specific individuals not employed by the Internal Revenue Service to be hired by the Internal Revenue Service for the purpose of being detailed to the Oversight Board.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members.

"(2) COMMITTEES.—The Oversight Board may establish such committees as the Oversight Board determines appropriate.

"(3) MEETINGS.—The Oversight Board shall meet at least once each month and at such other times as the Oversight Board determines appropriate.

"(4) REPORTS.—The Oversight Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking "or" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(7) a member of the Internal Revenue Service Oversight Board.".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Internal Revenue Service Oversight Board.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) NOMINATIONS TO INTERNAL REVENUE SERVICE OVERSIGHT BOARD.—The President shall submit nominations under section 7802 of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

SEC. 3. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

"SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

"(a) COMMISSIONER OF INTERNAL REVENUE.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(B) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed only for the remainder of that term.

"(C) REMOVAL.—The Commissioner may be removed at the will of the President.

"(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and ax conventions to which the United States is a party; and

"(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

"(3) CONSULTATION WITH OVERSIGHT BOARD.—The Commissioner shall consult with the Oversight Board on all matters set forth in paragraphs (2) and (3) (other than paragraph (3)(A) of section 7802(d).

"(b) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—There is established within the Internal Revenue Service an office to be known as the "Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

"(c) OFFICE OF TAXPAYER ADVOCATE.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the "Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the "Taxpayer Advocate' who shall be appointed with the approval of the Oversight Board by the Commissioner of Internal Revenue and shall report directly to the Commissioner. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of Internal Revenue.

"(B) RESTRICTION ON SUBSEQUENT EMPLOYMENT.—An individual who is an officer or employee of the Internal Revenue Service may be appointed as Taxpayer Advocate only if such individual agrees not to accept any employment with the Internal Revenue Service for at least 5 years after ceasing to be the Taxpayer Advocate.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

"(i) assist taxpayers in resolving problems with the Internal Revenue Service,

"(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

"(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

"(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

"(B) ANNUAL REPORTS.—

"(i) OBJECTIVES.—Not later than June 30 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

"(ii) ACTIVITIES.—Not later than December 31 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

"(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

"(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

"(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

"(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

"(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

"(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

"(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

"(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

"(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

"(X) in conjunction with the National Director of Appeals, identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

"(XI) include such other information as the Taxpayer Advocate may deem advisable.

"(iii) SUBMISSION OF REPORT.—Each report required under this subparagraph shall be provided to the committees described in clauses (i) and (ii) with prior review and comment from the Oversight Board, but without any prior review or comment from the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

"(C) OTHER RESPONSIBILITIES.—The Taxpayer Advocate shall—

"(i) monitor the coverage and geographic allocation of problem resolution officers, and

"(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to problem resolution officers.

"(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

"Sec. 7803. Commissioner of Internal Revenue; other officials.".

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking "7802(b)" and inserting "7803(b)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CURRENT OFFICERS.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) Section 7803(c)(1)(B) of such Code, as added by this section, shall not apply to the individual serving as Taxpayer Advocate on the date of the enactment of this Act.

SEC. 4. OTHER PERSONNEL.

(a) IN GENERAL.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

"SEC. 7804. OTHER PERSONNEL.

"(a) APPOINTMENT AND SUPERVISION.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

"(b) POSTS OF DUTY OF EMPLOYEES IN FIELD SERVICE OR TRAVELING.—Unless otherwise prescribed by the Secretary—

"(1) DESIGNATION OF POST OF DUTY.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

"(2) DETAIL OF PERSONNEL FROM FIELD SERVICE.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

"(c) DELINQUENT INTERNAL REVENUE OFFICERS AND EMPLOYEES.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the previsions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6344 is amended by striking "section 7803(d)" and inserting "section 7804(c)".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

"Sec. 7804. Other personnel.".

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

SEC. 5. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7216 the following new section:

"SEC. 7217. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

"(a) PROHIBITION.—It shall be unlawful for any applicable person to request any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer.

"(b) REPORTING REQUIREMENTS.—Any officer or employee of the Internal Revenue Service receiving any request prohibited by subsection (a) shall report the receipt of such request to the Chief Inspector of the Internal Revenue Service.

"(c) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) any request made to an applicable person by the taxpayer or a representative of the taxpayer and forwarded by such applicable person to the Internal Revenue Service,

"(2) any request by an applicable person for disclosure of return or return information under section 6103 if such request is made in accordance with the requirements of such section, or

"(3) any request by the Secretary of the Treasury as a consequence of the implementation of a change in tax policy.

"(d) PENALTY.—Any person who willfully violates subsection (a) or fails to report under subsection (b) shall be punished upon conviction by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

"(e) APPLICABLE PERSON.—For purposes of this section, the term 'applicable person' means—

"(1) the President, the Vice President, any employee of the executive office of the President, and any employee of the executive office of the Vice President, and

"(2) any individual (other than the Attorney General of the United States) serving in a position specified in section 5312 of title 5, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 75 is amended by adding after the item relating to section 7216 the following new item:

"Sec. 7217. Prohibition on executive branch influence over taxpayer audits and other investigations.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

MACK (AND GRAHAM) AMENDMENT NO. 2106

(Ordered to lie on the table.)

Mr. MACK (and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 38, after line 18, add the following:

SEC. 4___. COASTAL BARRIER RESOURCES SYSTEM.

(a) REPLACEMENT OF MAPS.—

(1) IN GENERAL.—The final set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, and revised November 12, 1996, and relating to the units of the Coastal Barrier Resources System specified in subsection (b) (which set of maps was created by the Department of the Interior to comply with section 220 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 3503 note; 110 Stat. 4115), and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace any other inconsistent Coastal Barrier Resources System maps in the possession of the Department of the Interior.

(2) UNITS.—The units of the Coastal Barrier Resources System referred to in subsection (a) are the following: P04A, P05/P05P; P05A/P05AP, FL-06P; P10/P10P; P11; P11AP, P11A; P18/P18P; P25/P25P; and P32/P32P.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective on the date of enactment of this Act, and the Secretary of the Interior shall replace the inconsistent maps on that date.

1998 SUPPLEMENTAL APPROPRIATIONS ACT FOR THE INTERNATIONAL MONETARY FUND

ASCHCROFT AMENDMENT NO. 2107

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill (S. 1769) making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. ___. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GREGG AMENDMENT NO. 2108

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to an amendent submitted by Ms. MOSELEY-BRAUN to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986b to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, as follows:

At the end of the amendment, insert the following:

(3) APPLICATION.—Notwithstanding any other provision of law, the amendments made by this section shall not apply to obligations issued before January 1, 2005, which is the date on which the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a fiscal year should be sufficient to fully fund such part for the fiscal year at the originally promised by providing to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

D'AMATO (AND OTHERS) AMENDMENT NO. 2109

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, line 5, strike "DAIRY AND".

On page 5, line 8, strike "and dairy".

On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

HELMS AMENDMENT NO. 2110

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . POLITICAL REFORM IN INDONESIA.

(a) IN GENERAL.—The Secretary of the Treasury shall not make any of the funds appropriated or otherwise made available for the International Monetary Fund by this Act available for Indonesia until the Secretary of the Treasury determines and certifies to the appropriate congressional committees that the Government of Indonesia—

(1) has announced a timetable for free and fair elections for the presidency, vice presidency, and parliament of Indonesia; and

(2) is providing for such elections to be completed within one year.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Bankiial Services and the Committee on Appropriations of the House of Representatives.

LEAHY AMENDMENT NO. 2111

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a non-Federal matching requirement.

COVERDELL (AND OTHERS) AMENDMENT NO. 2112

Mr. STEVENS (for Mr. COVERDELL, for himself, Mr. COCHRAN, Mr. BUMPERS, Mrs. BOXER, and Mr. CLELAND) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

KENNEDY (AND KERRY) AMENDMENT NO. 2113

Mr. STEVENS (for Mr. KENNEDY, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

(2) The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located in the Quashupt River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest under subsection (a).

COATS (AND LIEBERMAN) AMENDMENT NO. 2114

Mr. STEVENS (for Mr. COATS, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

SHELBY (AND OTHERS) AMENDMENT NO. 2115

Mr. STEVENS (for Mr. SHELBY, for himself, Mr. BYRD, Mrs. BOXER, and Mr. DORGAN) proposed an amendment to the bill, S. 1768, supra; as follows:

(On page 45 of the bill, between lines 13 and 14, insert the following:

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a special dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1998: *Provided further*, That the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

GREGG (AND HOLLINGS) AMENDMENT NO. 2116

Mr. STEVENS (for Mr. GREGG, for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105–119, may transfer any amount to the Department of State, subject to the limitations of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provision of law.

ASHCROFT AMENDMENT NO. 2117

Mr. STEVENS (for Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) Encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

HOLLINGS AMENDMENT NO. 2118

Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place in the IMF Title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

GRASSLEY AMENDMENT NO. 2119

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to amendment No. 2100 proposed by Mr. MCCONNEL to the bill, S. 1768, supra; as follows:

At an appropriate place add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

(4) promote international cooperation in insolvency matters by including—

(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

(B) other provisions appropriate for promoting such cooperation.

The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement."

NICKLES AMENDMENT NO. 2120

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 24, 1998, at 9:30 a.m. on business practices in the professional boxing industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation by authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. on tobacco legislation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. 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 S. 8, the Superfund Cleanup Acceleration Act of 1997, Tuesday, March 24, 11 a.m., hearing room (SD–406).

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a joint hearing on Tuesday, March 24, 1998, at 2 p.m. The subject of the hearing is the Fair Competition Act of 1998: A New Free Market Approach to Federal Contracting.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. 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 24, 1998 at 2:30 p.m. in room 138 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Care Quality during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 1021, the Veterans' Employment Opportunities Act.

The hearing will take place on Tuesday, March 24, 1998, at 2:15 p.m., in

room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 24, 1998, in open session, to receive testimony on RDT&E Management Reform and related issues.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 887, the National Underground Railroad Network to Freedom Act of 1997; S. 991, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; S. 1695, the Sand Creek Massacre National Historic Site Preservation Act of 1998; and Senate Joint Resolution 41, legislation approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capitol.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. STEVENS. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Tuesday, March 24, 1998, beginning at 2 p.m. in room 215 Dirksen.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. in open session, to receive testimony on ballistic missile defense 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.

ADDITIONAL STATEMENTS

HONORING MR. SIDNEY GRAYBEAL

• Mr. BINGAMAN. Mr. President, an American hero in both wartime and peacetime passed away on March 19, 1998 in Santa Fe, New Mexico. I'd like to take a moment to honor the memory of Mr. Sidney Graybeal, one of the nation's finest patriots. Mr. Graybeal's contributions to the nation spanned six decades, from his decorated service as a B–29 pilot during World War II through his distinguished career as a public servant to more recent years when he served as a distinguished member of the Secretary of Defense's high level Defense Policy Board. His many accomplishments in the nation's service have been recognized and applauded by both sides of the political aisle. Presidents Nixon and Ford commended Mr. Graybeal during their tenures in the White House, and in 1980, President Carter awarded Mr. Graybeal the nation's highest civilian honor, the President's Award for Distinguished Federal Service.

Mr. Graybeal will be remembered and revered for his pioneering work in arms control during the coldest years of the Cold War. His extensive experience in intelligence matters and strategic nuclear policy issues served him well during his tenure on the negotiating team that crafted the historic SALT I agreements limiting offensive and defensive strategic weapons for the first time. As a result of his trailblazing work on those agreements, Mr. Graybeal was appointed as the first commissioner on the Standing Consultative Commission (SCC)—the first official U.S.-Soviet organization established to resolve arms control compliance disputes between the two superpowers. SALT I and the SCC stand as enduring legacies of Mr. Graybeal's dedicated efforts to bring the Cold War to a successful conclusion.

Sidney Graybeal was admired by his colleagues for his energy and dedication to the nation. He was widely known as a tough negotiator, but widely loved for his warm sense of humor and diplomatic skills. New Mexico will miss one of our finest citizens. The nation will miss his wisdom and experience as we navigate these uncharted waters of the post-Cold War era. I urge my colleagues in the Congress to join me in saluting this great American.

Mr. President, I ask that a March 20 article in the Santa Fe New Mexican on Mr. Graybeal be printed in the RECORD.

The article follows:

[From the Santa Fe New Mexican, Mar. 20, 1998]

SIDNEY GRAYBEAL, INTELLIGENCE ADVISER, DIES AT 73

Sidney N. Graybeal, a Central Intelligence Agency senior intelligence adviser during the Cuban missile crisis, died Thursday of a heart attack at his Santa Fe home. He was 73.

A memorial service will be held at St. Francis Auditorium on March 27 at 6 p.m.

Graybeal, who had more than 40 years of experience in arms control, intelligence, and national security, in 1994 was appointed to the Defense Policy Board by Secretary of Defense William Perry.

At the time of his death, he was a chief scientist for Science Applications International Corp.

Born in Butler, Tenn., Graybeal was a B–29 pilot during World War II and flew 32 missions over Japan. He received the Distinguished Flying Cross and other decorations for his military service.

After the war, he joined the CIA and was responsible for analysis of all foreign missile and space programs. During the 1962 missile crisis, Graybeal was the first person to inform President John F. Kennedy of the presence of Soviet missiles in Cuba.

Graybeal was recently filmed by the BBC for a documentary on the Cold War.

He also served in the State Department in the Arms Control and Disarmament Agency and was a member of the negotiating team for the Strategic Arms Limitation Treaty (SALT)–I agreements.

He helped negotiate the Anti-Ballistic Missile (ABM) Treaty and was appointed as the first U.S. commissioner of the Standing Consultative Commission, the body that administered the ABM treaty.

In 1980, Graybeal received the President's Award for Distinguished Federal Civilian Service from President Carter.

In Santa Fe, Graybeal was on the board of the Santa Fe Chamber Music Festival.

He is survived by his wife, Patricia McFate; his son Douglas of Aspen, Colo.; his daughter, Joan Graybeal Menard of Annandale, Va.; and two grandchildren, Katrina and Steven Menard.•

NASHUA LIONS CLUB 75 YEARS OF PUBLIC SERVICE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the Nashua Lions Club for devoting over 75 years to humanitarian acts of public service. I commend their fervent passion and aggressive dedication to improving the quality of life for fellow Americans. They have touched the lives of many through gifts of hope and continued support through countless charitable endeavors.

I am proud to know many of the members in the Nashua Lions Club. I recently had the opportunity to address the club, and enjoyed the time I spent with them. They are great men who live by their motto of "We Serve," and give others the chance to better their lives.

The Nashua Lions Club was started in 1923 by a small group of businessmen led by William Hillman, Jr., and former Mayor Alvin Lucier. It became

the first club in District 44–H and remains the second oldest Lions Club in New Hampshire. As a result of their foresight, these businessmen started a tradition of service and benevolence still exemplified today.

The Nashua Lions Club has kept this 75-year old legacy alive by raising money and funding organizations like the Lions Sight and Hearing Foundation, Lions Eye Clinic and Lions Diabetes Awareness Programs. Also, major building projects have been realized like the "Friendship Club," for the handicapped and "Melanie's Room," for multiple handicapped young girls.

Over the years, the Lions Club has raised over $750,000. Its members continue to develop new and innovative ways to invest that money back into the community. The above mentioned groups are just a few of the wonderful organizations for which the Nashua Lions Club have spent countless hours and dedicated service. This impressive list goes on and they should be very proud of these contributions. Mr. President, I want to congratulate the Nashua Lions Club for their outstanding work over the past three-quarters of a century. I am proud to represent them in the U.S. Senate.●

NORTHERN STATE UNIVERSITY MEN'S BASKETBALL TEAM MAKES IT TO THE NCAA DIVISION II ELITE EIGHT TOURNAMENT

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize an extraordinary group of young athletes from Northern State University in Aberdeen, South Dakota. The Northern State University Men's Basketball Team won the 1998 NCAA Division II North Central Regional Basketball Championship held on Sunday, March 8, 1998 in Brookings, South Dakota. In a battle of South Dakota basketball powers, NSU took charge in the final minute to win a hard-fought victory over South Dakota State University. The NSU Wolves, with a 27–5 record, ended the season in a close 67–63 loss to Virginia Union University in the 1998 NCAA Division II Elite Eight Tournament.

The athletes that made this great season happen include Scott Hanson, Jared Miller, Todd Schlekeway, Ryan Miller, Kyle Johnson, Dan Fischer, Jim Sumption, Jake Phillips, Ross Pankratz, Dustin Undlin, Mark Rich, Ben Dahl, Jeff Rich, Andy Foster and Brad Hansen. Their coaches include: Bob Olson, Mike Hultz, Brad Christenson, Craig Smith and Kent Leiss. Team Managers are Joe Flynn and Justin Forde. The NSU strength coach is Doug Bull, and the training staff is directed by Lisa McIntyre. The NSU Wolves cheerleaders are Jennifer Eye, Tonya Bird, Jackie Hortes, Jaine Fauth, Erica Paulson, Gary Olson along with advisor Susan Rozell.

I want to commend Coach Olson for providing outstanding leadership to the NSU team, and I also want to compliment Ryan Miller on his contribution of 45 points in the regional championship game.

The State of South Dakota has much to be proud of in this accomplishment. I again want to congratulate all of these fine young athletes from Northern State University, and to all the many others who contributed to this outstanding accomplishment.●

TRIBUTE TO FRANK A. GERMACK, JR.

● Mr. ABRAHAM. Mr. President, I rise to pay homage to Frank A. Germack, of Grosse Pointe Farms, Michigan. Mr. Germack, who ran his family's business in Detroit's historic Eastern Market passed away recently. Although Frank is gone, his legacy will live on throughout the Detroit community.

The family business, the Germack Pistachio Co., was founded in 1924 by Mr. Germack's father. Considered to be the oldest pistachio importing company in the country, Germack Pistachio Co. eventually expanded to include a full line of nut products. After graduating from Fordham University and the Detroit College of Law, Frank began working at the family business in 1961. Frank contributed greatly to the success of his family's company. For example, through his leadership in the Executive International Advisory Board, Frank helped expand the cashew crop to countries such as Guatemala and Indonesia.

According to Frank's son, "The business was his life." Up until the time he passed away, he was actively involved in making the company run as efficiently as possible. In addition to working at the company, Frank enjoyed boating on Lake St. Clair, listening to classical music and jazz, and contributing to his community. He was active within many organizations such as the Detroit Rotary, the Detroit Symphony Orchestra and United Way. He was also an active member of St. Paul's Catholic Church in Grosse Pointe Farms, Michigan. Despite his tireless dedication to his company and the causes that were important to him, he remained deeply committed to his family. He was a wonderful husband to his wife, Stephanie, father to his son Frank III and daughter Suzanne Gregory Frederickson, and grandfather to Olivia Frederickson.

During this difficult time, my thoughts and prayers go out to Frank Germack's family and friends.●

POSITION ON VOTE NO. 39

● Mr. KERREY. Mr. President, due to an unavoidable delay in my travel, I missed yesterday's rollcall vote number 39. Had I been present, I would have voted against tabling that amendment.●

ORDERS FOR WEDNESDAY, MARCH 25, 1998

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, March 25, and immediately following the prayer the routine requests through the morning hour be granted and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

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

PROGRAM

Mr. STEVENS. Mr. President, on behalf of the leader, it is his intention tomorrow that the Senate will resume consideration of the emergency supplemental appropriations bill with the hope of concluding action on that bill early Wednesday.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed this evening and will occur at a time to be determined by the majority leader. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out for an orderly handling of that bill. Therefore, tomorrow Members can anticipate a busy day of floor activity on the emergency supplemental appropriations bill as well as the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I seek to inquire whether there is any Member seeking time in morning business. I don't see anyone. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:48 p.m., adjourned until Wednesday, March 25, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 1998:

DEPARTMENT OF STATE

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

RYAN CLARK CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HAL M. HORNBURG, x...

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN F. KANE, x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. WILLIAMS, x...

HOUSE OF REPRESENTATIVES—*Tuesday, March 24, 1998*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

The message also announced that the Senate insists upon its amendment to the House amendment to the Senate amendment to the bill (H.R. 2472) "An Act to extend certain programs under the Energy Policy and Conservation Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MURKOWSKI, Mr. NICKLES, Mr. CRAIG, Mr. THOMAS, Mr. BUMPERS, Mr. BINGAMAN, and Mr. AKAKA, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER. 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 not to exceed 30 minutes, and each Member except the majority and minority leaders and minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

Mr. WELLER. Mr. Speaker, there is an important question out there and that question is: Why is enactment of the Marriage Tax Elimination Act so important for American families? And I think it is best to ask a series of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on marriage? Do Americans feel that it is fair that 21 million married working couples, 42 million Americans, pay on average $1,400 more in taxes just because they are married, $1,400 more than an identical couple who chooses to live together outside of marriage, even though they have identical incomes? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

Well, the answer is pretty clear: Of course not. Not only is the marriage tax unfair, it is wrong. It is immoral that our Tax Code actually punishes our society's most basic institution, the institution of marriage.

Mr. Speaker, the Congressional Budget Office last year reported that 21 million married working couples paid on average $1,400 more in taxes.

Let me share an example. I will take a couple from Joliet, Illinois, a community in the district that I have the privilege of representing. This one gentleman is a machinist at the local Caterpillar manufacturing plant. He makes $30,500 a year in income, and after taking out the standard exemption that he is able to claim as a single person, he is in the 15 percent tax bracket, which means he is taxed at the 15 percent tax rate. Say he meets a gal and she is a school teacher in the Joliet public schools and she has an identical income of $30,500. If they choose to get married, their combined income of $61,000 pushes them into the 28 percent tax bracket, producing the average marriage tax penalty of $1,400.

In Joliet, Illinois, $1,400 is a lot of money. Here in Washington, D.C., it is a drop in the bucket. But for this couple, this machinist and public school teacher in Joliet, $1,400 is one year's tuition at Joliet Junior College. It is 3 months of day care at a local day care center and several months of car payments and even a significant portion of a down payment on a home.

I mentioned child care and the President talks about increasing the child care tax deduction. So a lot of questions are which is better, eliminating the marriage tax penalty or increasing that child care tax deduction.

I noted earlier that $1,400 is 3 months' worth of day care at a local day care center in Joliet, Illinois. One of the President's ideas, expansion of the child care tax credit, the average family that will qualify with a combined income of less than $50,000, they would see $358 more in net take-home pay. Under the Marriage Tax Elimination Act, they would see $1,400 more in net take-home pay. And in Joliet, Illinois, $358 will pay for 3 weeks of day care. Elimination of the marriage penalty for that machinist and that school teacher will pay for 3 months.

So which is better, 3 weeks or 3 months of day care? Clearly, elimination of the marriage tax would be a bigger help to this working family in Joliet, Illinois.

Under the Marriage Tax Elimination Act, we give this machinist and this school teacher the power of choice where rather than filing jointly, which penalizes them with a $1,400 marriage tax penalty, they can choose to file as two singles. It would be to their financial advantage and they would save that $1,400 by enjoying the lower tax rate.

What is the bottom line? The bottom line is the Marriage Tax Elimination Act would put a married couple with two incomes on equal footing with the working couple with identical income living together outside of marriage. That is an issue of fairness, and I believe that we should stop punishing marriage.

In 1996, this Republican Congress helped families by providing for an adoption tax credit so that families could better afford to provide a loving home for a child in need of adoption. In 1997, this Republican Congress provided for a $500-per-child tax credit which would benefit 3 million children in Illinois. $1.5 billion in higher take-home pay will stay in Illinois to meet the needs of local Illinois families rather than coming here to Washington. We believe that those Illinois families can better spend their hard-earned dollars better at home than we can here in Washington.

Mr. Speaker, this year let us help the American family again by eliminating the marriage tax penalty. Let us allow those 21 million married couples who are currently paying on average $1,400 more, just because they are married, under our Tax Code to keep that money to meet their own needs. Let us eliminate the marriage tax penalty and let us pass the Marriage Tax Elimination Act and let us do it now.

H.R. 2400, SURFACE TRANSPORTATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this afternoon, the Committee on Transportation and Infrastructure will finish its consideration of H.R. 2400, which authorizes surface transportation funding for the next 6 years, better known as BESTEA. This is the most important domestic bill of this Congress and, indeed, well into the next century. It provides for rails, roads and pathways that bind our Nation's cities and regions into one country.

In 1991, ISTEA, the groundbreaking legislation, promoted efficient use of scarce resources by encouraging balanced transportation systems and long-range planning. As a supporter of ISTEA's principles, I have been pleased with the progress of BESTEA through Congress. I want to thank our chairman and ranking members for their terrific work. Thanks to the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL), H.R. 2400 is proof that in the spirit of bipartisanship, building on sound policy, everyone can win.

BESTEA continues the ISTEA tradition of encouraging real transportation solutions. Our citizens know from experience that an unbalanced, unplanned transportation system can waste millions of their dollars while eliminating their choices and even destroying their communities. ISTEA contained a mix of incentives, instructions and opportunities for citizen participation that helped guarantee that Federal dollars will be spent wisely.

Mr. Speaker, this is a comprehensive bill. Its greatest achievement is in promoting the two pillars of sound transportation: balance and local decision-making. A balanced transportation system is more efficient, cost effective, and it gives people choices about how they get to where they need to go to live, work, and play.

Mr. Speaker, I am particularly pleased that in BESTEA all modes of transportation are supported. BESTEA does great things for bicycling with strong support of the Congressional Bicycle Caucus and a national campaign to promote bikes. It requires increased consideration of safety for cyclists. It adds important provisions to require that bike and pedestrian facilities be considered when new roads are planned, and it increases overall funding for the Enhancements and CMAQ programs, which have been the key to over $1 billion in cycling facilities.

BESTEA does great things for transit and transit does great things for our communities, returning $4 in benefits in the environment, social and infrastructure for every dollar that we invest. Millions of us, whether we use transit or not, have reasons to be grateful for the record funding level of $36 billion over the next 6 years.

BESTEA does great things for rail, one of the most cost-effective ways to move passengers and freight. Rail helps to relieve pressure on our crowded highways and airports, adding capacity at a fraction of the cost.

BESTEA does great things for drivers. These funds are essential for badly needed maintenance and repair of our roads and bridges and to add capacity where it is truly needed. The best thing for motorists is that balancing the transportation system means giving people alternatives which in turn reduces congestion, pollution and even road rage. Even if we do not use the alternatives, the experience for the motorist is improved.

BESTEA also maintains the local decision-making, one of the most important but underappreciated things the Federal Government has done for communities in the last 25 years.

I have to say that one omission does, in fact, concern me. For in 1991, with the passage of ISTEA, Congress required States and larger communities to develop realistic plans that linked transportation and land use. Transportation plans were intended to avoid wasting scarce resources.

Unfortunately, BESTEA takes a step backward by making this planning optional. This means, as a practical matter, some of the States which have the greatest need are less likely to do the integrating planning for the future.

We have been working on improving the planning language for BESTEA for months and this struggle will continue through final passage. We cannot afford to throw money at transportation solutions that will only cause more problems in the long run. Planning does not mean dictating results; it simply ensures that communities cannot get away with ignoring problems, or worse, shifting them on to their neighbors. These are unarguably Federal priorities.

I think the text that best captures the spirit of the ISTEA reauthorization is to be found in the 58th chapter, 12th verse of Isaiah:

Those from among you.
Shall build the waste places;
You shall rise up the foundations of many generations;
And you shall be called the Repairer of the Breach,
The Restorer of Streets to Dwell In.

I think ISTEA makes progress towards this timeless goal and I, along with the prophet Isaiah, am pleased to support it.

HONESTY IS AN ABSOLUTE PREREQUISITE FOR PUBLIC SERVICE

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Kentucky (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

□ 1245

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to read a piece from the Washington Times that caught my attention. It reads: "Still amazingly relevant today, New York Gov. Theodore Roosevelt observed on May 12, 1900:

We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure.

Honesty is it not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life. It matters not how brilliant his capacity.

The weakling and the coward cannot be saved by honesty alone. But without honesty, the brave and able man is merely a civic wild beast who should be hunted down by every lover of righteousness.

No man who is corrupt, no man what condones corruption in others can possibly do his duty by the community.

'Liar' is just as ugly a word as 'thief' because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures a lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law.

Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if, instead of lying in court, he lies in a newspaper or on the stump; and in all probability, the evil effects of his conduct are more widespread and more pernicious.

MORAL DECLINE IN AMERICA

The SPEAKER pro tempore (Mr. HEFLEY). 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, I am increasingly concerned about the moral decline we are facing in America. As a society, it seems to be sinking to an all-time low. Sunday mornings are often reserved for a time for us to exercise our faith, but now it has become the Nation's pastime to defend the undefendable.

Men and women who have proclaimed to care about justice for women in the workplace now defend sexual advances and now defend inappropriate behavior. Most parents want to protect their children. I know I do. I have a 17-year-old daughter and two younger sons, and I want to be able to protect them from any unlawful pressure or from bad behavior that is the lowest and worst in our society.

I am particularly concerned about my daughter, because she will be the first to go out on her own. When she attends a college, I do not want a professor or the president of the college or university groping her to pressure her for sex for performance, for grades. And when she gets her first job, I do not want the CEO or president of the corporation or any of her fellow workers making sexual advances in exchange for promotions.

And for my sons, it is a great compromise to the virtues and values that built this great Nation for us to just let them watch a weeknight evening of television. The language, the violence, the lack of morals, the attacks on the institution of marriage all go against what civil people do when they want to live peaceably together.

Only a few programs, very few programs, restore our faith in hard work, honesty, integrity, respect for each other. But most of television leaves us

wanting, wanting for heroes that will bring us to our highest and best.

Yes, our economy is strong. The New York Stock Exchange presses new records almost weekly. Unemployment is low. The welfare rolls are down. More and more people are working and earning more and more money. Our bank accounts seem full, but our hearts and souls are empty.

Well, my colleagues have heard, "You can't legislate morality, so you can't change our society." Well, first of all, that is a false statement. When a 14-year-old boy breaks into a liquor store to rob the store and kills an attendant, that is against the law. It is also against God's law, the Ten Commandments.

But we can do our best as a government to prevent that 14-year-old from making that decision through good education, through encouraging strong families and communities, trying to steer them from a decision that would destruct them for the rest of their lives and harm society. But we as a government cannot change that young boy's heart. And that is really what needs to happen.

To change a young man's heart, we have to go beyond just the laws of the land, and each of us has to take on a responsibility, a responsibility to first live our lives as we would like others to live theirs; second, to build strong families, then strong communities. Because what happens when that 14-year-old boy makes a decision is, he goes against all those things that built this country as a great Nation: hard work, integrity, virtue, faith in God.

Those are the values and virtues that each of us must turn back to in order to save our society from this downward spiral, in order to inspire us to rise beyond our daily circumstance to our highest and best, not only as individuals, but as a great Nation.

HUMAN CLONING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. EHLERS) is recognized during morning hour debates for 5 minutes.

Mr. EHLERS. Mr. Speaker, I rise today to address the subject of cloning.

Last year Ian Wilmuth, a scientist in Scotland, announced the cloning of a sheep named Dolly; and at that time I came to the floor and expressed my concern about the possibility of applying that technique to cloning humans. I was certainly in tune with the American people, because it turned out over 90 percent of them object to cloning of human beings, for various reasons.

I am in the unusual situation of being one of the few scientists in the Congress, and as a scientist I understand the vital role that science plays in enhancing the welfare of individuals in society, and I am extremely reluctant to place any limits on scientific research. However, while the possibilities of scientific experiments may seem limitless, there are times when society, through its governmental process, can and should place limits on scientific experimentation.

There are many things which science can do. Most of them should be done. Some should not. And it is up to us to decide which should not.

There are a number of scientific reasons at this point for banning human cloning. It took 277 tries to produce Dolly, and it would take considerably more than a thousand, I believe, to produce a human clone. The dangers associated with that are immense. And in particular, we have to worry about the rights of all those failures which resulted in discards. If we are cloning sheep and things go bad, no one regrets discarding the defective sheep. But if it is a human, we have an entirely different situation.

There are also social and psychological reasons for banning human cloning and, above all, there are moral and ethical reasons for a ban. However, in spite of the national consensus on banning human cloning that I mentioned, the bill that I introduced to do this has come under attack, primarily from those who would benefit in various ways, from allowing the process to go forward. The Biotechnology Industry Organization and the Association for Reproductive Medicine clearly have a vested interest in this.

Let me point out some of the scare tactics that have been used. The following was distributed in a letter to all Members of the House of Representatives, from the Biotechnology Industry Organization, better known as BIO. They state, just to select one phrase, "We urge you to use caution before deciding to cosponsor or support hastily drafted legislation which would not only ban human cloning, but would inadvertently shut down biomedical research by outlawing basic laboratory techniques used for decades."

There are several things wrong with that statement. First of all, they say the legislation is hastily drafted. That seems to be a phrase people always use when they do not like legislation. The bill under discussion in the Committee on Commerce has survived several hearings over several months in the Committee on Science. It has been deliberated and modified by the Committee on Science and is certainly not hastily drafted. I think it is a good bill.

Secondly, they say it will inadvertently shut down biomedical research. That is absurd, absolutely absurd. The bill that I have introduced would not shut down biomedical research. The letter says it would do that by outlawing basic laboratory techniques used for decades. I would like the industry to show me one such technique used for decades which my bill would shut down.

It is time for the facts to get out. It is time for the Members of the House to get the facts and to pay attention to it and not be guided by alarmist information distributed by organizations that have a vested financial interest in preventing my bill from passing.

If we look at the bill that came out of the Committee on Science, which is now before the Committee on Commerce, and a companion bill which will be modified similar to this, we were very careful. We do not ban human cloning, first of all, because "cloning" is not a precise term. We defined it in terms of prohibiting human somatic cell nuclear transfer. Now, that is a very technical definition, but very narrow and very precise.

Secondly, we specifically outline what is permitted, because I did not just want to ban human cloning and leave things up in the air; I wanted to be very specific about what was permitted. And this bill makes it clear that somatic cell nuclear transfer or other cloning technologies can be used to clone molecules, to clone DNA, clone cells other than human embryo cells or tissues, to clone animals; and I plan to expand that to include cloning plants as well.

We are working very hard to come up with a good bill that is fair and equitable and that will allow legitimate research to go forward but will ban the cloning of human beings in any form and at any stage of life. I would appreciate the support of my colleagues.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, we have a serious problem in America today that might seem somewhat paranormal. It might be something we would see on "Ripley's Believe it or Not" or maybe "The X Files." Ten million Americans have become invisible. And even more will disappear if this Congress fails to act.

I am talking about the 1990 census. That is when ten million people were not counted, they were simply overlooked. It was as if the population of Michigan or Ohio simply fell off the map. Many of those who were missed are people who most need the things that being counted in the census brings, representation in government and inclusion in government's Federal funding formulas. The 1990 census was the first to be worse than the census before it, and the difference between the undercount for whites and minorities was the worst ever recorded.

About 4½ percent of all African Americans were missed, as were 1 in 20

Latinos, 1 in 14 children, and 1 in 10 black males. But the problem does not end with the undercount. In 1990, over 6 million people were counted more than once and most of them were white. That makes the undercount even more unfair to minorities and poor people, because not only are they missed, but their proportional representation, the basis for House seats and Federal dollars, is further diminished by double-counting.

The 1990 census cost 20 percent more than the 1980 census and was 33 percent less accurate. In fact, unless we make some fundamental changes, there is every reason to believe that the 2000 census will cost even more and be less accurate.

As we enter a new millennium, our Nation needs an accurate census that includes everybody. We cannot be satisfied with the census that continues to miss millions of people. But that is exactly what will happen 2 years from now unless we use the best knowledge and technology available to fix the problems of the past.

There is some good news. Some people have been thinking about this problem already. In 1992, a bipartisan coalition of representatives pushed legislation to ask the National Academy of Sciences to review the census. They chose the National Academy of Sciences because the Academy is fair and independent of political influence.

Using the recommendations from that independent review, the Census Bureau has developed a comprehensive plan for the 2000 census that will produce the most accurate census in our Nation's history. It includes using the latest technology, shorter forms, more ways to respond, a paid advertising campaign, better address lists, and closer partnerships with both local governments and community-based organizations.

□ 1300

All of these things will improve the response rate and improve accuracy while containing costs. After extensive efforts to count absolutely everybody, the plan for the 2000 census calls for the application of basic statistical methods to establish the number and characteristics of the people who still do not respond based on those who do.

Congress recently approved a test of these methods in 2 of the 3 dress rehearsals for the census that starts this spring. Under the Census Bureau plan, everybody counts. All Americans will be included in the census. But the bureau faces one obstacle, and that is this Congress. Those who oppose the Census Bureau's plan for the 2000 census say they are willing to spend whatever it takes to count everybody the old way. But everybody knows that no matter how much you spend, the old ways will not count everyone.

Dr. Barbara Bryant stepped into the breach for President Bush to direct the 1990 census. The Republican appointee knew all too well the problems with the plans for 1990. But she was brought on board just 4 months before it was to begin. It takes 24 hours to turn around an aircraft carrier. Four months was hardly enough time to stop the momentum of an operation as massive as the census. Recently Dr. Bryant wrote, and I quote,

> Throwing more money and more temporarily hired census takers at the job of enumeration will not find the missing.

She echoes what everybody knows. The old methods are as worn out as the arguments that keep them.

One of those arguments being used by the House Leadership is that we are under a Constitutional mandate to physically count everyone, nose by nose.

That is an impossibility, and it gives the illusion that the census can reach everyone directly, which it cannot and does not. However, it can reach many people directly. And it will—because the current plan calls for the Census Bureau to make an unprecedented effort to count most Americans directly, either through the mail, by telephone, or by going door-to-door to find those people who don't respond.

This is not a "sample census" of "virtual Americans" as some have claimed. In fact, it is the most extensive effort to count everyone in the history of the census.

Every household will receive 4 mailings between the middle of March and the middle of April.

Questionnaires will be available in public places such as libraries, post offices, and churches.

People can even call in their responses by telephone.

The plans for the 2000 census are on solid legal ground, despite the rhetoric.

The Department of Justice under the Carter, Bush, and Clinton administrations has consistently ruled that the Constitution doesn't bar sampling or statistical methods to improve a good faith effort to count everyone directly.

We can listen to the experts to get the best count possible. Or we can let politics rule the day, and end up with a census that costs too much and misses millions of Americans.

We must put an end to the injustice census.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to spend a couple of minutes talking about the future of Social Security. Last Saturday there was a National town hall type discussion among citizens in 10 cities of the country linked by interactive television. The purpose was to discuss the problems of Social Security, and possible solutions. I compliment the Pew Foundation for starting this kind of discussion that I think is so vital in deciding how we make Social Security more secure. The first step is to understand what the problems are and understand the seriousness of the problems in terms of keeping Social Security solvent.

I was asked to participate with President Clinton, with both of us making statements and listening to suggestions. Speaking at Cobo Hall in Detroit I said there were certain guidelines that need to be adhered to as we move ahead on solving Social Security. Number one, that it be bipartisan; number two, that we need to keep all solutions on the table in our discussions over the next several months in looking at the best possible ways to keep Social Security solvent; number three, that we do not reduce the benefits for existing retirees or near-term retirees; number four, that we have a system where our kids and our grandkids, and their children can have retirement incomes that will last them through their expected longer life span, and; number five, that we stop government using Social Security Trust Fund money in exchange for nonmarketable I.O.Us. Finely, that we have a system that is not going to be privitized, but rather a system that allows forced saving and investment in retirement accounts owned by the worker.

Let me very briefly describe some of the problems in Social Security. Right now, because it is a pay-as-you-go program, where existing taxpayers pay in their Social Security tax and immediately that tax is used to pay out benefits, to existing retirees. It is sort of a pay-as-you-go system, in effect a Ponzi scheme. When we started this program in 1935, it was easy to keep the system going because actually at that time the average age of death at birth was 61 years old. That means most people never reached the age where they would draw any benefits. They would give up what money they and their employers had put into the system. Over the years since 1935, every time there was a little more money coming in than was necessary to pay out benefits, politicians in this city made popular decisions to expand the benefits. Every time there was less tax money coming in than required to pay out those expanded benefits, Congress and the President would increase the Social Security tax on working Americans. Actually since 1971, Social Security, taxes on these working Americans, has been increased 36 times. More often than once a year since 1971 we have increased the rate or the base on the Social Security taxes. We started out taxing 1.5 percent on the first $3,500. Now it is 12.4 percent on the first $68,000.

I would like to suggest as I conclude this, Mr. Speaker, that Social Security in its current configuration is not a good investment. The National Tax Foundation estimates that anybody that retires after the year 2000 will receive back between a negative ½ percent and a negative 1½ percent on the

money they and their employers put into Social Security. So if you could take some of this money and allow as an option some of the younger workers to invest in any return that is going to be greater than that kind of negative return in Social Security, then we are much better off.

I suggest, Mr. Speaker, that it is so vitally important to preserve Social Security that we forget the rhetoric and get down to business. We get down to the nitty-gritty of the alternatives of how we are going to make it work. I mentioned when we started the program in 1935 the average age of death was 61. Today the average age of death at birth is 74 years old for a male, 76 years old for a female. But if you are lucky enough to reach the retirement age, then on the average you are going to live another 20 years. There are fewer and fewer workers supporting more and more retirees. Hopefully voters, Mr. Speaker, will demand of the people running for office this fall that they have suggestions on how to proceed with this very serious problem of keeping Social Security solvent.

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 7 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 pro tempore (Mr. FOLEY) at 2 p.m.

PRAYER

Bishop Eddie L. Long, Senior Pastor, New Birth Missionary Baptist Church, Decatur, Georgia, offered the following prayer:

Let us pray. Father, in the name of Jesus, we come before You and claim Your promise in 2 Chronicles 7:14. "If My people, who are called by My name shall humble themselves, pray, seek, crave, and require of necessity My face and turn from their wicked ways, then I will hear from heaven, forgive their sins, and heal their land."

We as a Nation stated in our Declaration of Independence through our Founding Fathers, "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator, with certain unalienable rights. . . ."

Lord, the fact that our Founding Fathers declared that nothing we do, or will do, as leaders and citizens of this Nation is legal without God being the foundation of this government is significant. We must turn and legitimize ourselves through repentance so that this Nation can be led into spiritual and earthly clarity as to why it was created. We understand that when You, as Creator and the Founding Father in creation, created fish, You called them from water, yet, in order for them to live, they have to stay connected to the water. When You called trees and vegetation, You called it from the ground. And in order for that to live, it had to stay connected to the earth. When You created us, You called us out of You, and we must stay connected to You that we might have life.

Therefore, God, allow us, along with all creation, to reconnect ourselves into Your Divine, harmonious flow of life, that we would hear from heaven, and our land would be healed. Amen.

THE JOURNAL

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

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

Mr. SHIMKUS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. SHIMKUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Georgia (Ms. MCKINNEY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCKINNEY 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 740

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 740.

The SPEAKER pro tempore. Is there objection to the gentleman from Illinois?

There was no objection.

APPOINTMENT TO 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, the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon:

Mr. Jack Ulrich from Pennsylvania.

There was no objection.

DRUGS ARE A GROWING NATIONAL CRISIS FOR OUR CHILDREN

(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, few in this body would argue that a more worthy cause for Federal funds exists than the fight to keep our Nation's children off of drugs. However, a six-year professional study released yesterday reveals that we are not winning the war on juvenile drug use.

In fact, a dozen other recent studies have all come to the very same conclusion, that, overall, America's efforts just do not deliver on its promise to teach kids to resist drugs.

According to this latest study, last year alone, hundreds of millions of dollars were spent on "feel-good" programs that have apparently had little or no effect on our kids.

Mr. Speaker, this is a growing national crisis that is too important to ignore, too important for our children's future, and too important for us to fail.

Mr. Speaker, this is not about laying blame or pointing fingers, it is about correcting mistakes. The young people in this country are our future, and it is our duty to see that they grow up in a world free of the scourge of drugs.

BORIS YELTSIN NEEDS COUNSELING, NOT MONITORING

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

Mr. TRAFICANT. Mr. Speaker, in 1993, Boris Yeltsin fell off a stage in Germany. In 1994, Boris could not get off his plane in Ireland. In 1996, Boris came up missing for 7 consecutive days, unexplained, before an election. In 1997, he forgot about a meeting with Vice President AL GORE. Yesterday, he fired his entire cabinet. The White House says they are monitoring it.

Mr. Speaker, is Boris Yeltsin a victim of El Nino, too? Let us tell it like it is. This guy is not exactly the head of Kiwanis International. Boris Yeltsin has his shaky little finger on the button of one of the world's most massive nuclear arsenals.

I say monitor this, Boris Yeltsin does not need monitors. Boris Yeltsin needs Alcoholics Anonymous. I say let us save our foreign aid and let us send some counselors over to take care of this guy. I yield back 1 day at a time the balance my time.

THE OVRETTE PROGRAM IN HONDURAS: A VIOLATION OF HUMAN RIGHTS

(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 rise today to share another tragic story of human rights violations abroad, this time in the country of Honduras.

For more than 34 years and with millions of dollars, women of Honduras have been victims of an overzealous population control movement. They have been subjected to sterilizations and mass contraceptive pill distribution without caution or required exams or information, funded entirely by U.S. taxpayers.

Mr. Speaker, now we find that these Honduran women have been the subjects of a human experiment, this time with the Ovrette contraceptive pill, which has been used without any information about its potential side effects to the women taking the pill.

Instead of warning women that the effects of the pill were undetermined and that it should not be taken while breast-feeding, the USAID-led effort chose to strongly push the use of the pill among the women. At the same time, the government decided to monitor unsuspecting women to see what the effects of Ovrette might be.

To make matters worse, while this was going on, Ovrette was not even registered with the proper authorities, as is the law.

Mr. Speaker, this would not take place in America. It should stop in Honduras.

THE MORAL DEFICIT

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

Mr. LEWIS of Kentucky. Mr. Speaker, in 1993 when I decided to run for Congress, there were many reasons why I felt I should get involved in the political campaign. One of the main reasons was my concern over the national debt and deficit spending. My wife and I did not want to see our two children faced with a mountain of debt that would eventually destroy their future.

Now, just 5 years later, it is with a lot of relief and thankfulness that Congress has been able to balance the Federal budget. But today we are faced with a problem that is even greater and more destructive than runaway debt.

My children and the children of this Nation are faced with a society that is experiencing a moral deficit. Eighty-four percent of the American people say their biggest concern is the decline in the traditional moral values.

Mr. Speaker, if we give our children the richest economy in the world but a society that is morally bankrupt, what have we gained? Some would say, but it is the economy, stupid. But I disagree, because good economies come and go, but for a Nation to survive as history has proven over and over again, patriotism, courage, fidelity, honesty, and public and personal character must be the foundation on which it stands.

ELIMINATE THE MARRIAGE PENALTY TAX

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

Mr. HEFLEY. Mr. Speaker, since 1969, the Federal tax code has penalized 21 million couples annually, not for getting divorced, not for having children out of wedlock, not for shacking up, but for getting married.

When a couple gets married, they are taxed at a higher rate than if they were still single or divorced. The marriage penalty for the average couple is $1,400. Now this may not seem like much to some, but with an additional $1,400, an average couple could pay the electric bill for 9 months, pay for 3 or 4 months of day care, pay for a 5-day vacation at Disneyland, pay four or five payments on their minivan, eat out 35 times, purchase 1,053 gallons of gas, and purchase 1,228 loaves of bread.

It is immoral that our tax code discriminates against marriage. We have a tax code that discourages marriage and encourages divorce. Reforming a tax code will restore equity by ensuring that working couples are treated no differently when they get married than they were before.

THE JASON PROJECT

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

Mr. FARR of California. Mr. Speaker, I stand here before you recognizing that at last night's Oscars the Titanic swept away with 11 awards. It is a fitting occurrence because this is the year of the oceans. Right now, something more exciting is happening across this country and around the world than anything that was ever put on the big screen. That is what is going on in our classrooms around the United States called the Jason project.

It was started by the man, Bob Ballard, who found the Titanic. He has dedicated his services to science and to education where children at this moment are speaking to scientists that are on the floor of the ocean live. Those scientists are in California and Bermuda, and they are talking back and forth, and students interact with it.

So in this year, the International Year of the Oceans, we have to celebrate that. We also celebrate it, because it is our own money that Congress has put into NOAA and put into the Navy that has helped sponsor this project.

This show goes on all week. And if you are here in the Nation's capital, visit the National Geographic, where the show is live right now. So the Year of the Oceans is get into it. Get into it.

THE OVERWHELMING TAX BURDEN

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

Mr. JONES. Mr. Speaker, we are now just 22 days away from April 15, tax day. As this dreaded day approaches, now, more than ever, Americans are struggling with an unbelievable tax burden.

On top of their already busy daily routine, the citizens of this Nation are having to file through the 8 billion pages of forms and instructions that the IRS sends out each year. Laid end to end, these forms would stretch 28 times around the Earth.

It is past time to reduce this tremendous burden. The American people want, need, and deserve tax relief. I hope that people throughout this Nation will contact their Representatives and encourage them to begin a national debate on how best to create a fairer, simpler tax system for the American people.

LIBERALS VERSUS CONSERVATIVES

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

Mr. BALLENGER. Mr. Speaker, I often hear from liberals that the labels "liberal" and "conservative" do not mean much anymore. I think that is total nonsense.

One way to distinguish between liberals and conservatives is to look at how a liberal views taxes versus how a conservative does.

A liberal will do everything in his power to make it difficult for others to become rich. A conservative will do everything in his power to help others become rich.

A liberal will vilify the rich. A conservative recognizes the benefits to society that the rich provide and the benefits of having a society where people strive to become rich.

A liberal believes, apparently, that the rich acquire their wealth at the expense of the poor. A conservative

knows that Bill Gates and Michael Jordan achieve riches because they produce things that other people value.

Our choice is to put obstacles in the way of those striving to become rich, or take away people's incentive to pursue that same course.

For this American holder of public office who is proud to call himself a conservative, it is not a difficult choice.

SMALL BUSINESS PAPERWORK REDUCTION ACT

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I am often asked what is the great secret in Washington State's success. Yes, we have beautiful natural wonders and thriving high-tech industries, and we are a great place to come and visit. Well, I want to tell my colleagues, even though we are beautiful in Washington State, it is really the people.

Today, I want to tell my colleagues about the people in Washington State and what makes our thriving economy grow: small business owners. Mr. Speaker, 63 percent of all businesses in Washington are operated by sole proprietors and 97 percent have less than 100 employees. These men and women provide nearly 60 percent of all jobs in the State, and lead the way in new job creation. They are the leaders in our community.

However, each year, massive amounts of paperwork are stifling their potential, job growth and productivity. For firms with fewer than 20 employees, these firms are paying $2,000 per year per employee that could go into salaries, jobs and others new sources of income for the communities.

Today, I am proud to cosponsor the Small Business Paperwork Reduction Act, H.R. 3310, and I will be proud to vote for it this afternoon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). 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.

TRAFFIC STOPS STATISTICS STUDY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 118) to provide for the collection of data on traffic stops, as amended.

The Clerk read as follows:

H.R. 118

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 "Traffic Stops Statistics Study Act of 1998".

SEC. 2. ATTORNEY GENERAL TO COLLECT.

The Attorney General shall conduct a study of stops for routine traffic violations by law enforcement officers. Such study shall include collection and analysis of appropriate available data. The study shall include consideration of the following factors, among others:

(1) The number of individuals stopped for routine traffic violations.

(2) Identifying characteristics of the individual stopped, including the race and or ethnicity as well as the approximate age of that individual.

(3) The traffic infraction alleged to have been committed that led to the stop.

(4) Whether a search was instituted as a result of the stop.

(5) How the search was instituted.

(6) The rationale for the search.

(7) Whether any contraband was discovered in the course of the search.

(8) The nature of such contraband.

(9) Whether any warning or citation was issued as a result of the stop.

(10) Whether an arrest was made as a result of either the stop or the search.

(11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops.

SEC. 3. LIMITATION ON USE OF DATA.

Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer. Data acquired under this section shall not be used in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.

SEC. 4. RESULTS OF STUDY.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the study conducted under this Act to Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

Mr. Speaker, H.R. 118, the Traffic Stops Statistics Act of 1997, was introduced by the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS). This bill has bipartisan support and the support of the Department of Justice. H.R. 118 will authorize the Attorney General to conduct a study of the reasons why police make routine traffic stops.

Racial profiling is a law enforcement method that uses race, age, dress, vehicle type, and other factors to identify people who police believe are more likely to be involved in crimes.

Profiling is often used to stop those suspected of crimes without any indicia of criminal activity. However, there is a growing number of reported incidents and allegations that black American males are being stopped for no reason. They are merely stopped, not given tickets, not given citations.

The fourth amendment provides, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated." Traffic stops based solely on race are wrong and must not be tolerated.

The study will provide for the collection of data that will help determine whether police are using race as the predominant reason to stop motorists of color. The study will include consideration of such factors as the race and age of the individual stopped; the traffic infraction alleged to have been committed that led to the stop, if any; whether a search was instituted; the rationale for the search; whether contraband was discovered during the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of the stop or search.

The study will also report on the beneficial efforts of law enforcement departments to fight the war on drugs by recording the approximate quantity of the drugs and the value of drug proceeds seized on an annual basis as a result of traffic stops. The Department of Justice will submit the results of the 2-year study to Congress.

Mr. Speaker, this is a good bill, and I am pleased to support it.

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

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

Mr. Speaker, I would like to endorse the remarks made by the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, about the Traffic Stops Statistics Study Act. I am deeply indebted to him for moving this bill from the committee to the full House.

This is an offense and an activity that is very familiar to many people. It is something that has happened to more African Americans, particularly males, than I would care to admit today on the floor of the House of Representatives. There are very few of us in this country who have not been stopped at one time for an alleged traffic violation that we constituted really simple racial harassment.

Mr. Speaker, I say this as a friend of law enforcement, as one who has always received the support and has worked closely with police organizations across the country for many years. Law enforcement officers may admit to isolated instances of racially targeted police stops, but very few will

concede that this harassment is routine, that it happens literally everywhere; and it is to this complaint that this study, this examination of this peculiar kind of incident in law enforcement, is directed.

There have been limited studies that have occurred which have found that as many as 72 percent of all routine traffic stops occur with African-American drivers in a population that we all know is not over 15 percent. The coincidence need not to be confirmed.

In the Ninth Circuit Court of Appeals, we had a case in which the court itself, in 1993, came to a conclusion that we think will be supported by the study that is proposed in the bill before us. That was the case of a police officer from Santa Monica who was found to have violated the rights of 2 African-American men that he stopped and subsequently arrested at gunpoint. The case is cited here because it was an example of how police routinely violate the constitutional rights of others by stopping them without just cause. There must be a cause to stop someone. It cannot be subjective; it cannot be racially motivated. There has to be a reason.

Now, for those who might say, well, why do we not just go to court and let the lawsuits flow, the lawsuits cannot solve this problem. First of all, the individual costs that must be borne by plaintiffs would, in most cases, be more than they could bear; and it would also take considerable amounts of time.

Last year, in November, the American Civil Liberties Union sought a fine for contempt of court against the State police near us, the Maryland State police, arguing that police were still conducting a disproportionate number of searches of cars driven by African Americans 2 years after they had agreed to stop that practice as a result of a 1992 lawsuit. In other words, they were violating the agreement.

The State police statistics show that 73 percent of the cars stopped and searched on interstate I–95 a few blocks from here, between Baltimore and Delaware, since January of 1995, were conducted on the cars of African Americans, despite the fact that only 14 percent of those driving along that part of the freeway were African Americans. Moreover, there was nothing found in 70 percent of those searches.

Mr. Speaker, this and other evidence suggests that African Americans are routinely being stopped by law enforcement simply because of the color of their skin, and it is precisely this sort of unfair treatment that leads many people to distrust the criminal justice system. If we expect everyone to abide by the rules, and we do, we must ensure that those rules are applied equally to everybody, and they are frequently not.

In many ways, this sort of harassment is even more serious than police brutality itself. Not to minimize police brutality, but these are insidious ways of antagonizing people, and this treatment must be examined.

□ 1430

The measure before us today will not stop or punish the treatment, it will investigate as to whether it in fact goes on in the proportions that our hearings suggest that it does.

Unlike police brutality, which frequently comes to light, these punishments are like knife cuts. They are not reported. There is nothing done with them. They are wounds to the psyche that spread, they never heal, and they are painful to those that sustain them.

So what we are saying is that this is not an anti-police piece of legislation, it is a piece of legislation to determine whether a practice that we have long suspected is still in fact going on. As we know here in this Chamber, the Supreme Court has expanded police powers by holding that an individual need not be informed that they have a right not to consent to a search of their vehicles.

There is a bit of flux in the law on this subject. So this measure, that authorizes the Attorney General to conduct a study regarding the race and alleged infractions of drivers stopped by the police, is designed to provide us with specific information regarding the extent of the problem, and will provide information as to the rationale for any search made subsequent to a traffic stop, and of course, any contraband recovered in that search.

Through this study, I hope we will increase police awareness of the problem involved of some few police officers targeting minorities routinely for car searches when there is, indeed, no justification. Perhaps we can discover the extent of the problem, and hopefully reduce the number of discriminatory, inappropriate traffic stops by police officers made based on the color of the skin of the motorist.

Because the study proposed by this legislation presents a reasonable way of dealing with an issue I have been hearing complaints about throughout my service in the Congress, I deeply appreciate my colleagues on the Committee on the Judiciary and our chairman for bringing this measure to the floor, and I urge that we support the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding time to me. I thank the gentleman for his leadership on this bill.

Mr. Speaker, I do appreciate the gentleman from Illinois (Mr. HYDE) for the expeditious manner in which this legislation came to the floor, and the gentleman from Florida (Mr. CANADY) as well for consenting and working with the ranking member in realizing the importance of the information that we are trying to secure.

I would like to emphasize one or two or three or four different points on this issue.

One, let me say, we do not come to the floor of the House to personalize our presentations, but as the mother of a young black boy, and as someone who relates constantly to young African American teenagers, along with other ethnic groups in my community, this is an issue that has long confronted us, and one that we have, in some instances, accepted and suffered in silence.

For every young child is taught to respect the blue and white, or the men and women in blue, of the law enforcement officer of your community. We as parents still do that. But the tragedy of teaching them that kind of respect sometimes befalls them in a negative way.

It is not infrequently that I talk to parents of minority children who are fearful of having them drive throughout their community or be in neighborhoods where they might be suspected of acting illegally, albeit they are there for legitimate and legal reasons.

Just recently I had a family tell me that after they moved into a very prominent neighborhood, and their young male African American son was going home to his home, that about 10 or so police cars ran up into the driveway to begin to shine flashlights in his face and wonder why he was sticking a key in the front door. Though this is not a traffic stop, these are incidents that occur on a regular basis. So this study is in fact needed.

I am delighted that the Attorney General will not isolate the study but will study the Nation, for it will respect and respond to the issues dealing with race and ethnicity, particularly in groups of Asians, African Americans, and Hispanics, those who are traveling in modern cars and those whose cars may not look too recent.

It is important to find out whether the traffic infraction alleged to have been committed was committed and what was it that led to a stop; whether a search was instituted as a result of the stop; how the search was instituted; the rationale for the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of either the stop or the search.

It is important to emphasize again that although African Americans make up between 12 and 14 percent, they make up 72 percent of all routine traffic stops. This study will help us determine what occurs in the Asian community, or what occurs to the new immigrants in the Vietnamese community, what occurs in the Hispanic community, in all parts of our country.

Just a few doors away from this House we can find examples of mistreatment of those who are African American and minorities. Robert Wilkins is a Harvard Law School graduate, a public defender here in the District of Columbia. Mr. Wilkins is also an African American.

In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER's H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law enforcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whe4ther or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

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 "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(c) SPOUSES.—For purposes of subsection (b)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a), who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(d) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(e) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(f) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(g) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

"(h) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(d) TECHNICAL AMENDMENTS.—Section 2402(7) of title 38, United States Code, is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(3) by striking out "or would have been entitled to" and all that follows and inserting in lieu thereof a period.

(e) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

"§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) SPOUSE.—Section 2412(c) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(c) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

"§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

"(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

"(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

"(2) Such regulations shall ensure that—

"(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

"(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

"(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

"(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

"(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

"(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(B) a particular military event.

"(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

"(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

"(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

"2414. Arlington National Cemetery: authorized headstones, markers, and monuments.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3211.

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

There was no objection.

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

Mr. Speaker, H.R. 3211, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

The lion's share of credit for setting the stage for this bill goes to the gentleman from Alabama (Mr. TERRY EVERETT), chairman of the Subcommittee on Oversight and Investigations. His investigation of the waiver process in Arlington National Cemetery has resulted in bipartisan support for H.R. 3211.

In concert with his ranking member, the gentleman from South Carolina (Mr. JIM CLYBURN), the subcommittee tackled some very difficult issues in a comprehensive and professional manner. The bill codifies many of the current regulations of eligibility for burial in the cemetery and placement in the Columbarium.

However, the bill departs from current practice in the following ways:

One, no waivers to the military service requirements for a burial would be allowed for anyone. Family members of eligible veterans would be the only nonveterans allowed to be buried, and they would be in the same gravesite as the eligible veteran.

Second, the bill would eliminate automatic eligibility for Members of Congress and other Federal officials who do not meet all of the military criteria required for other veterans. Currently, these so-called "high Federal officials" are eligible simply by being veterans. The President, as Commander in Chief of the Armed Forces, would be the only official whose eligibility would be retained under the bill.

Third, the bill requires that in the future, memorials and markers erected in the cemetery must commemorate service in the armed services.

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

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

Mr. Speaker, I am very proud to join the gentleman from Arizona (Mr. STUMP) in introducing H.R. 3211, the Arlington National Cemetery Burial Eligibility Act.

The GAO has told us that the eligibility requirements for burial at the cemetery needs clarification, and that the standards for waivers have been inconsistently applied over several years.

The bill we are considering today directly addresses those concerns. It writes into law the eligibility rules for burial at Arlington, allows for the burial of the close family members of persons whose military service has qualified them for burial at Arlington, and virtually eliminates the possibility that waivers shall be granted in the future to persons who do not otherwise meet the eligibility criteria for burial there.

As an enlisted in the United States Marine Corps and a member of the Committee on Veterans' Affairs since I came to Congress, I know that the cemetery is truly sacred ground, especially for our Nation's veteran population. That is why I was extremely concerned by reports that waivers for burial at the cemetery were being granted in exchange for major political contributions.

As everyone should know by now, those reports turned out to be untrue, and without any substantiation whatsoever. But while the GAO expedited review found "no evidence" of waivers for contributions, it did highlight some of the serious flaws in the existing process for burials at the cemetery.

The bill that the gentleman from Arizona (Mr. STUMP), our chairman, and I have put together addresses those concerns. It removes most of the discretion, ambiguity and guesswork from the eligibility process for burials at the cemetery, and it makes it easier for the public to understand the requirements for burial at the cemetery.

Before I conclude my remarks, Mr. Speaker, I want to take a moment to thank the gentleman from Arizona (Chairman STUMP). His focus has been on policy over politics. He has worked through this entire process, working with virtually every member of the committee, and has extended great cooperation to me as the leading Democrat on the committee.

I salute the gentleman from Arizona (Mr. STUMP), Mr. Speaker, for his work on getting this bill here today.

The bill we are bringing to this Congress today will honor the commitments that so many veterans have made to this country. I urge my colleagues to support the bill, H.R. 3211.

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

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Subcommittee on Oversight and Investigations.

□ 1445

Mr. EVERETT. Mr. Speaker, if the recent Veterans' Affairs subcommittee hearings on Arlington National Cemetery have demonstrated anything, it is the special reverence with which Americans regard Arlington as a national shrine to honor our military heroes, many of whom were ordinary people who were extraordinary in their defense of our liberties. The only objective of our work has been to ensure the integrity of that hallowed place.

Although the committee's active interest in Arlington preceded the burial waivers investigation by the Subcommittee on Oversight and Investigations, which I chaired, the subcommittee took a thorough look at Arlington and identified serious problems with the waivers and laid much of the foundation of H.R. 3211.

Mr. Speaker, I am proud to join the gentleman from Arizona (Mr. STUMP), our full committee chairman, and many of our colleagues in this bipartisan legislation to codify and reform

Arlington eligibility. With the assistance of the General Accounting Office review of burial waivers at Arlington, the Subcommittee on Oversight and Investigations found that the waiver process and criteria were unpublished; information about waivers has often not been available to the general public; the waiver process has lacked clear and consistent criteria, and to the extent it had criteria, it was never followed; decisions themselves have sometimes been inconsistent and not clearly documented; and worst of all, in large part because of the lack of openness and definition, the waiver process has been open to insider political influence, string-pulling and favoritism.

While nothing is perfect, Arlington's system of burial waivers has proved to fall far short of the openness that veterans and the public deserve. I believe that there is widespread agreement that legislative steps are necessary to correct these serious problems our investigation has identified.

As H.R. 3211 moves along and encounters the vagaries of all legislation, we should maintain the bill's objectives of establishing clear-cut eligibility and preserving the military character of Arlington.

Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) for his leadership on Arlington burial eligibility and for moving this very important legislation. I also want to commend the gentleman from Illinois (Mr. EVANS), our ranking Democrat, the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER), that subcommittee's ranking Democrat, and the gentleman from South Carolina (Mr. CLYBURN), ranking Democrat on my subcommittee.

They have worked long and hard on H.R. 3211.

Mr. Speaker, I urge my colleagues to approve this timely measure to protect the integrity and honor of Arlington National Cemetery.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), for yielding me this time, and I thank the gentleman from Arizona (Mr. STUMP), our chairman, for bringing this bill to the floor so quickly.

Mr. Speaker, I too am a strong proponent of the bill before us, H.R. 3211. The Subcommittee on Benefits held a hearing on this measure on February 24, and all of our witnesses were supportive of this bill.

After all that has been said and written in recent months about Arlington National Cemetery, we all agreed that Arlington's burial eligibility requirements needed to be clarified, codified, and refined and this is exactly what H.R. 3211 will do.

I am very proud that the members of our committee came together in a bipartisan fashion to introduce responsible and evenhanded legislation that will maintain the honor and dignity of Arlington's sacred ground. This matter is too important to us as a Nation, a Nation that deeply respects its military dead, for it to be manipulated.

I know that all of my colleagues were comforted, as I was, by the results of the GAO investigation which found no evidence that political contributions played a role in waiver decisions. This is not to say that the Arlington waiver process does not need revision and clarification. The process needs to be reworked, and H.R. 3211 will satisfy the concerns that many of us have had about burial eligibility at Arlington National Cemetery.

I do believe, however, Mr. Speaker, that the bill we are considering today can be and should be improved. As reported by the committee, H.R. 3211 includes no mechanism by which individuals who perform extraordinary acts in service to the United States can be recognized and be buried in Arlington. But common sense and historical evidence makes it clear to me that there must be some procedure in place to permit burial of those rare and unusual individuals whose military service alone does not meet the specific criteria included in H.R. 3211, but whose life accomplishments following their service in America's Armed Forces are so remarkable and distinctive and compelling that we as a Nation feel we must honor these individuals with burial in Arlington National Cemetery.

I am certain that a very tight, very disciplined, and very public process can be designed that would protect and ensure the integrity of the hallowed ground of Arlington, but that would also enable Americans to demonstrate their deep respect and appreciation for the lives and contributions of our most brilliant and beloved countrymen and women. Although this issue was raised too late in the process for the committee to address it, I look forward to working with Members of the other body to further improve a very good bill.

Mr. Speaker, I urge support of H.R. 3211.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, a great supporter of veterans and this committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP) for taking me out of order so I can get back to a meeting of the Committee on Rules and expedite the legislation for the next 2 weeks.

Mr. Speaker, I do rise in strong support of this legislation to protect our most sacred national cemetery, and to commend the gentleman from Arizona (Mr. STUMP), my very good friend and chairman of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS), and certainly the gentleman from Alabama (Mr. EVERETT) as well as the gentleman from New York (Mr. QUINN) sitting next to me, all of whom have done such a great job bringing this bill to the floor.

As a cosponsor of this legislation, I am proud that today the House is taking this decisive step to protect the sanctity and integrity of Arlington Cemetery. Arlington Cemetery is a place that has become synonymous with valor, courage, and honor that is second to none. It is rightfully a place to be revered as more than a graveyard, but as a resting place and as a lasting monument to heroes, real American heroes, Mr. Speaker, to whom all of us owe our freedoms. And that means that the very least that we can do is to remove the potential for dishonoring that shrine with politics.

This bill does just that by removing virtually all discretion and all waivers for burials at Arlington. In other words, Mr. Speaker, either individuals qualify or they do not, and that is the way it should be. That goes for Members of Congress, for Vice Presidents, for Cabinet members, Court Justices and anyone else. If the person was not killed while serving this country in uniform, was not a decorated veteran, a former prisoner of war, a military retiree or a spouse or child of such qualified veterans that will be buried there, there is no room for burial at Arlington. And again that is the way it should be.

Still, any honorably discharged veteran is always eligible to have their cremated remains displayed there. That is, any honorably discharged veteran.

Mr. Speaker, I urge everyone in the House to support this bill and, when they get a chance, to go out to Arlington again, if they have not been there before, and walk among the headstones, as Chairman STUMP and I did just the other today. I believe they will thank themselves for voting to protect that national shrine and for keeping it open exclusively for those brave men and women who above all else deserve it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I also rise in support of H.R. 3211. Earlier this year, in response to public concern with the number of burial waivers granted at Arlington National Cemetery, I introduced the Arlington National Cemetery Integrity Act to clarify once and for all who can and who cannot be buried there.

Because this is the last honor the United States can bestow upon our veterans who sacrificed for our freedoms, I was pleased that the gentleman from Arizona (Mr. STUMP), chairman, and the gentleman from Illinois (Mr.

EVANS), ranking member of the Committee on Veterans' Affairs, introduced this bill which is similar to the one that I have introduced. Under both of these proposals, current burial guidelines would be put into law and waivers would be eliminated.

Mr. Speaker, we must preserve the integrity and true meaning of this final tribute to our soldiers. H.R. 3211 will accomplish this goal. I urge my colleagues to support this important legislation and again commend the Committee on Veterans' Affairs for its swift action on this piece of legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I too would like to support H.R. 3211. We have talked about its intention to bring order to the process of being buried at Arlington National Cemetery. We all know that the bill would codify, with exceptions that have been discussed today, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than persons specifically enumerated in the bill, no other person could be buried in Arlington. In general, we have discussed who those persons would include. Those could include members of the Armed Forces who die in active duty, retired members of the Armed Forces, including Reservists who have served on active duty, former members of the Armed Services who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Navy Cross, Distinguished Service Medal, Silver Star or Purple Heart, former prisoners of war, President or any former President, Members of the Guard and Reserves who have served on active duty and are eligible for retirement but have not yet retired, the spouse, surviving spouse, minor child and, at the discretion of the superintendent, all of those unmarried adult children, A through F, as we have said.

Mr. Speaker, what I wanted to do is to thank the people on our committee on both sides of the aisle, both the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS), ranking member, as well as the gentleman from Alabama (Mr. EVERETT), the ranking member of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. SNYDER), a committee member who had thoughtful questions and brought discussion of this whole issue of Arlington.

Now that we have come up with a compromise of sorts to make sure that we are heading in the right direction, toward the end of next month, the gentleman from California (Mr. FILNER) and I will be organizing a visit to Arlington for members on the committee and Members of the Congress at large to talk about their plans for changes at Arlington and to talk about the things that are done in this bill today so that all of us at least in the Congress know where we are headed when we talk about changes necessary at Arlington National Cemetery.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. EVANS. Mr. Speaker, may I inquire as to how much time is remaining on both sides at this point?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. EVANS) has 13 minutes remaining and the gentleman from Arizona (Mr. STUMP) has 11 minutes remaining.

Mr. EVANS. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. STUMP), and ask unanimous consent that he be permitted to control that time as he sees fit.

Mr. STUMP. Mr. Speaker, if the gentleman would yield, I thank him and would say that we do need the time. I have more speakers than I anticipated.

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

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3211, as amended. This bill establishes an important policy. It provides clear specific statutory criteria for burial at Arlington National Cemetery. In doing so, the bill would rule out a troubling policy of granting exceptions to eligibility rules which, until now, have been set in regulations.

As the oversight of the Committee on Veterans' Affairs has shown, the practice of entertaining requests for waivers and exceptions at Arlington has opened a door to inconsistency and subjectivity. I hardly need to remind Members of the stains such practices have created.

The bill would close the door to exceptions and restore a sense of honor to administration of this precious, precious site. Burial at Arlington should be reserved to those with distinguished military service. This bill would crystallize that policy. This bill codifies key elements of the current regulations governing eligibility for burial at Arlington. H.R. 3211 draws some hard lines, but they are lines that need to be drawn. They include the following:

No waivers could be granted to the military service requirements for burial. The only nonveterans eligible for burial would be the immediate family members of those veterans eligible for burial, and Members of Congress and other Federal officials who do not meet the military criteria would no longer be eligible for burial at Arlington.

The Committee on Veterans' Affairs did not set this policy in place lightly. H.R. 3211 is a product of careful, comprehensive oversight, extensive consultation with veterans and military service organizations and a great deal of hard work.

I am proud to be a cosponsor of this fine bill and commend my colleagues for their fine work on this legislation.

Mr. Speaker, I have the honor to have my father buried at Arlington National Cemetery for the work he did in the Navy and receiving the Bronze Star in the Iwo Jima campaign. And then I have a great-great-grandfather who is also buried there who has the same criteria. So it is with a great deal of heartfelt feeling on this issue that I commend this bill to my colleagues and I hope they will pass it.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), chairman of our committee and dean of our delegation, who continues to set an example in his legislative work, as he did as a younger man in the Pacific theater in World War II.

I thank also the gentleman from Illinois (Mr. EVANS), ranking minority member of the Committee on Veterans' Affairs, for moving forward with this legislation in such a timely manner; for, Mr. Speaker, what we are preparing to do in this Chamber with this vote on this legislation, for which I rise in strong support, is to restore trust with the American people for this hallowed ground.

□ 1500

I cannot help but notice as we look at the ground that makes up Arlington National Cemetery that the headstones literally border the Pentagon. And indeed decisions made there and decisions made here to send American citizens into harm's way must always be carried out with the utmost sobriety and seriousness, because, as General MacArthur pointed out, "The soldier personally loathes war the most, for it is the soldier who quite literally has the most to lose."

Mr. Speaker, as constituents of mine in the Sixth District of Arizona reacted with surprise and outrage, and Mr. Speaker, I do not think those terms are too strong to use, as revelations came forth that, sadly, this hallowed ground was being misused with a liberal use of waivers, what we will do with this legislation is again to state that Arlington National Cemetery exists for the purpose of honoring our military dead, those who have fallen in pursuing freedom, that we are reaffirming that this hallowed ground belongs to the memory and the remains of those who have contributed mightily, who may have

fallen on the field of battle, but who always and forever represented this country with valor and bravery, and that we would not succumb to the temptations and political pressures ever again of yielding any of that ground under suspicions that it might go to the highest bidder.

This is a mission of honor and a restoration of trust, and I appreciate the bipartisan manner in which this legislation has been approached because, again, we set up a formula whereby if waivers are ever to be granted, they will be granted with the full sunshine of this Congress, representing the people constitutionally to make such waivers, not to any back room or any regulation or waiver otherwise granted.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their hard work on this bill and the bipartisan effort to bring it forward to the House today.

I, too, was greatly disturbed, as were my constituents, by rumors that there may have been attempts used to have Arlington Cemetery and the privilege of being put to rest there used for political fund-raising purposes.

My grandmother served this country as a nurse in World War I. She had three sons, who all served this country in World War II. My father was in the Navy as an enlisted man. My father-in-law served 30 years in the Navy and retired as a captain. Our family takes great pride in the service that they have offered this country.

It extends to all people, Democrats, Republicans, rich and poor, the ability to make a sacrifice to serve this country. And Arlington is where we honor those who have perhaps sacrificed the most in the cause of freedom and upholding liberty in this great Nation.

So it is with great pleasure that I speak out in favor of this bill. My generation wants to honor those who have sacrificed for our country and those who will sacrifice for our country by serving in the military in the future. This bill puts on record that all of us can come together today and say, this has to be above politics.

Mr. Speaker, I do want to thank the chairman and the ranking member for their hard efforts in bringing this bill to the floor.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on Veterans' Affairs and the ranking member in support of H.R. 3211, which will do much to restore the honor of burial at Arlington National Cemetery.

I have heard from hundreds of my constituents who are concerned that burial at Arlington has been granted to nonveterans because of special waivers. My constituents were equally concerned by the reluctance of the administration to release names and details about those buried under the waiver process. So I acted on these concerns by introducing a bill of my own, similar to the legislation before the House today, to ensure greater scrutiny and full disclosure of waiver requests.

H.R. 3211 requires the Secretary of the Army to maintain a register of those buried at Arlington and requires that this register be made available to the public. While I understand the privacy concerns that limit the initial disclosures of waiver recipients, I also believe that this reluctance created the unfortunate perception that the administration was trying to hide something.

Arlington is a public cemetery, and we should have the full public disclosure which this bill provides. I also agree with the emphasis that this bill gives to educating veterans about Arlington. This bill will require the Secretary of the Army to publish a pamphlet describing eligibility requirements. Such materials are needed to reassure the veterans community, as well as to clarify eligibility requirements.

I have heard stories of veterans awarded the Silver Star who deserve burial at Arlington by any measure, but they do not realize they are worthy of this honor or this opportunity. This bill corrects that problem by providing the Secretary the materials needed to educate this community.

This is an outstanding bill, Mr. Speaker, that corrects the significant loopholes created by the waiver process and reaffirms our belief that only a very honored few deserve to be buried at Arlington National Cemetery. I urge my colleagues to support this legislation.

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

Mr. Speaker, there have been some Members that have expressed a desire to consider language that would still provide a waiver for Arlington, and we considered this at length in committee. I personally oppose such language and would like to include for the record letters from the American Legion, AMVETS, the Disabled American Veterans, the Veterans of Foreign Wars, Vietnam Veterans of America, the Non-Commissioned Officers Association, and the Retired Enlisted Association, among others, that oppose such language.

Mr. Speaker, I include the following for the RECORD:

THE AMERICAN LEGION,
Washington, DC, March 12, 1998.

Hon. BOB STUMP,
Chairman, House Committee on Veterans' Affairs, Washington DC.

DEAR CHAIRMAN STUMP: The American Legion fully supports H.R. 3211, a bill to codify existing regulatory criteria for burial in Arlington National Cemetery. The American Legion believes codifying existing regulations and prohibiting any future waiver authority is an unfortunate but necessary step to maintain the honor and sanctity of Arlington National Cemetery. The current waiver process is purely subjective, inconsistent and vulnerable to political influence. Allowing future waivers at Arlington National Cemetery would continue this subjective and inconsistent waiver process and allow for possible abuses by the current and future administrations.

Although the valuable contributions of non-veterans in service to the nation and society is notable, these individuals are not legally obligated to perform their duties in the same manner as member of the armed forces. When individuals don the military uniform and take the oath of office, they lose some personal freedoms, experience undue hardships and accept a unique standard of conduct governed by the Uniform Code of Military Justice. Failure or refusal to perform their assigned mission will result in criminal proceedings that may lead to a General Court Martial and a dishonorable discharge. Individuals serving in the civilian government and private workforce are not legally obligated in this same manner.

The American Legion believes Arlington National Cemetery is clearly a cemetery operated and maintained by the Department of the Army exclusively for military personnel, retirees, veterans and their immediate family members. Requirements to be buried in Arlington are strict because of the prestige, history and special recognition of honorable military service. If Congress truly believes someone warrants burial in Arlington National Cemetery, it can pass separate legislation authorizing a waiver on a case by case basis. In light of the recent waiver abuses, The American Legion believes H.R. 3211 is now the best alternative to protecting the sanctity of this national military shrine.

Sincerely,

STEVE A. ROBERTSON,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 13, 1998.

Hon. BOB STUMP,
Chairman, Veterans' Affairs Committee, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) has already strongly endorsed your excellent bipartisan bill H.R. 3211, the "Arlington National Cemetery Burial Eligibility Act." I again put the VFW on record with you and your committee to clearly and concisely state that the 2.1 million members of this organization firmly believe no other persons should be buried at Arlington other than those enumerated in your bill.

Thank you and all other members of your committee for the collective concerns and efforts extended to our nation's veterans. The VFW asks that you do the only proper and equitable thing today regarding Arlington National Cemetery. Please retain this piece of hallowed ground for persons who have dedicated their lives to the military profession and/or who were either killed while on

active duty or received an award for extraordinary heroism.

Sincerely,

JOHN E. MOON,
Commander-in-Chief.

DISABLED AMERICAN VETERANS,
Washington, DC, March 20, 1998.

Hon. BOB STUMP,
Chairman, House Veterans' Affairs Committee, Washington, DC.

Attn: Mike Brinck.

DEAR REPRESENTATIVE STUMP: This letter is to advise you that the Disabled American Veterans (DAV) National Executive Committee passed a resolution on March 17, 1998, supporting legislation to preserve burial space in Arlington National Cemetery for America's military heroes. I have enclosed a copy of this resolution.

It is the DAV's position that, with the exception of the President or former Presidents of the United States, burial in Arlington should be reserved for veterans who meet the existing criteria for burial eligibility in Arlington National Cemetery. The DAV does not support any discretionary waiver process that would allow for the burial of nonveterans at Arlington National Cemetery.

Accordingly, the DAV is on record as supporting the principles of H.R. 3211. Thank you for your continued support.

Sincerely,

HARRY R. MCDONALD, Jr.,
National Commander.

Enclosure.

DAV NATIONAL EXECUTIVE COMMITTEE RESOLUTION

SUPPORTING LEGISLATION TO PRESERVE BURIAL SPACE IN ARLINGTON NATIONAL CEMETERY FOR AMERICA'S MILITARY HEROES

Whereas, our citizens hold veterans in the highest esteem and accord special honors to them for the unique contributions they make in service in our Nation's Armed Forces, and

Whereas, such honors set veterans apart because they are bestowed only upon veterans, and

Whereas, burial in Arlington National Cemetery, our Nation's most prestigious and hallowed national cemetery, should be an honor reserved for America's military heroes, and

Whereas, burials of nonveterans at the discretion of the Secretary of the Army have brought into question not only the application but also the wisdom of such policy, and

Whereas, the limited burial space in Arlington should not be further depleted by burial of nonveterans, NOW

Therefore, be it resolved That the Disabled American Veterans, National Executive Committee, meeting at Arlington, Virginia on this the 17th day of March, 1998, goes on record as supporting legislation to codify existing criteria for veterans' burial eligibility and eliminating provisions for burial of nonveterans, other than Presidents of the United States, in Arlington National Cemetery.

AMVETS,
Lanham, MD, March 12, 1998.

Hon. BOB STUMP,
Chairman, House Veterans Affairs Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that there was some discussion during the markup of H.R. 3211 (Arlington Cemetery) in which committee members raised the issue of providing authorization of waivers for burial in Arlington National Cemetery. AMVETS adamantly opposes any waivers and supports H.R. 3211 as it stands.

We testified to that effect in February to the House Veterans Affairs Health Subcommittee. Arlington is a veterans cemetery and should be reserved for those who served.

Sincerely,

JOSEPHUS C. VANDENGOORBERGH,
AMVETS National Commander.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, March 11, 1998.

Hon. BOB STUMP,
House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN STUMP: In response to some of the discussion at the full Committee markup this afternoon, I wanted to convey to you and the members of the Committee VVA's perspective on the Arlington Cemetery burial criteria bill.

Recent scrutiny of the burial waiver procedures in Arlington National Cemetery have certainly brought to light the passion America feels for this most sacred of all military burial grounds. The public at large, and veterans in particular, were very alarmed at the appearance of impropriety of the burial waiver process. What seems to have come to light is the fact that the burial eligibility for Arlington National Cemetery was not a matter of clear statutory guidance. And furthermore, the waiver process was not accessed by most veterans' families who were turned away by the Superintendent upon initial inquiries about eligibility. We suspect that many of these families were not aware of a waiver process, or probably took the Superintendent's assessment at face value and did not pursue nor even inquire about waivers.

It certainly seems desirable to have a cut-and-dry set of criteria outlining who may and who may not be buried in Arlington National Cemetery. And thus, eliminating the waiver process precludes all appearances of impropriety.

If this bill is passed, VVA is confident that Congress could, in extraordinary circumstances, provide an exception for individuals who do not have military service which meets the statutory criteria, but who have demonstrated public service which merits a distinctive burial at Arlington Cemetery. Just as the Veterans' Affairs Committees led Congress in the move to make Bob Hope an "Honorary Veteran," we believe a similar procedure would be possible in specific cases. VVA would prefer that the more cumbersome route of Congressional exemptions be implemented, rather than having the potential for ambiguous interpretation in an administrative waiver process.

Should there be any additional questions or concerns about this bill or the waiver process, I would be very pleased to clarify VVA's position further. Again, thank you for your leadership on this issue.

Sincerely,

KELLI WILLARD WEST,
Director of Government Relations.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, Virginia, March 11, 1998.

Hon. BOB STUMP,
Chairman, Committee on Veterans Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Non Commissioned Officers Association of the USA (NCOA) is writing to restate its strong and unequivocal support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The whole purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. This Association believes we should not provide even a small amount of wedge room that likely would lead to future controversy. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Waiver of the eligibility criteria must be strictly forbidden including those actions currently authorized by the Secretary of the Army and the President. Under current, and a proposed criteria, that disallows burial in Arlington National Cemetery for millions of veterans, this Association is adamantly opposed to any further leniency in the eligibility criteria beyond that proposed in H.R. 3211.

In NCOA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

For your information, I have sent a similar letter to all of your colleagues on the House Veterans Affairs Committee.

Sincerely,

LARRY D. RHEA,
Deputy Director of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, Virginia, March 11, 1998.

To: All members of the House Veterans Affairs Committee.

The Retired Enlisted Association (TREA) is writing to restate its strong support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Many veterans are not allowed to be buried at Arlington with the current regulations. Why should we allow waivers for persons that do meet the requirements for burial at Arlington?

In TREA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

Sincerely,

MARK H. OLANOFF,
Legislative Director.

Mr. STUMP. Mr. Speaker, I believe it would be better to investigate the feasibility of establishing perhaps another cemetery in Washington for the purpose of honoring Americans who have substantially contributed to the well-being of the Nation but who do not meet the strict military criteria for burial at Arlington. If there are Members who are willing to pursue this avenue, I would be happy to commit to working with the Senate in conference to achieve such a consensus.

In closing, Mr. Speaker, there are a lot of people who deserve a lot of thanks, and I would like to thank the

gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Benefits; the gentleman from Alabama (Mr. EVERETT) and the gentleman from South Carolina (Mr. CLYBURN), the ranking member and the chairman of the Subcommittee on Oversight and Investigations; and special thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat on this committee, for all the help he has provided in working out the differences on this bill, and I am entirely grateful for his help.

As I mentioned before, this is a bipartisan bill and would I urge all Members to support it.

Mr. GOSS. Mr. Speaker, Arlington National Cemetery is more than just a place or burial for our veterans. It is a symbol of honor, respect and American tradition. It is a tragedy when these principles are threatened by inconsistency or irresponsibility. There has been an outpouring of anger and suspicion in my district and elsewhere following the accusations that Arlington waivers were being handed over on the basis of campaign donations or political clout, rather than meritorious service to our country. People are questioning the integrity of those charged with overseeing the process. Today, we are responding because our veterans deserve better.

Burial at Arlington National Cemetery shouldn't be diminished by red tape. But if it takes some Federal legislation to protect our commemoration of those who have sacrificed for our Nation, then passage of H.R. 3211 is the right thing to do. It is my hope that this again will help restore faith among our deserving veterans and the American people by clarifying once and for all the proper standards and procedures for burial in Arlington's sacred ground. I urge adoption.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended.

The question was taken.

Mr. STUMP. 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415

Mr. McINTOSH. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 1415.

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

There was no objection.

Mr. McINTOSH. Mr. Speaker, my district health care advisory committee, consisting of health industry professionals, insurers and providers, has advised me that PARCA, H.R. 1415, is not the best means to protect patients rights and has recommended that I withdraw from the bill.

However, I do support patient protections and am submitting for the RECORD a statement of principles that is a small government approach to protecting patients' rights and health care reform.

HEALTH CARE STATEMENT OF PRINCIPLES: WHAT HEALTH CARE REFORM LEGISLATION MUST INCLUDE THIS YEAR

1. Increasing the number of insured Americans by providing everyone access to tax-free insurance. Millions of Americans receive a tax free employer-provided health insurance coverage. However, this option is not available to everyone. As a matter of fairness, it should be. The self-employed and individual workers must be able to purchase fully deductible insurance. This would vastly decrease the roles of America's uninsured. Moreover, increasing the number of insured children can be achieved by making children's health care completely tax deductible.

2. Individual choice: Individuals must be able to choose the health coverage that meets their needs as well as the needs of their family. Americans should be able to select from a menu of benefits in any health coverage plan, including a point-of-service option. They should be allowed to choose from plans available in the marketplace, based on price competition and personal choice. Especially important in this effort is eliminating government restrictions, such as innovative health care plans like Medical Savings Accounts.

3. Patient access: Americans should have the right to see the doctor of their choice. Americans should have the flexibility and accessibility to see their own doctors or specialists at an affordable rate. Health care plans should not discriminate on the basis of license in reimbursing eligible network health care providers for performing a covered service.

4. Freedom of Speech: Americans must have the right to talk freely with their doctors. Health care plans should not include "gag clauses" that restrict a physician's ability to communicate to their patients. Patients have the right to know all possible options concerning their care.

5. Quality health care at lower costs. Health care costs have skyrocketed in large part because of the proliferation of litigation by unscrupulous trial lawyers. The abuse of the system has made all of us victims of high health care costs. Congress must enact medical malpractice reform and common sense legal reform for life-saving bio-medical materials. The revised standard of liability should apply to third party health care plans that make medical judgements on applicable care.

6. Lower Cost Options for Healthy Americans. Americans should not be punished for being in good health. Those Americans who look after their health by eating healthy, exercising, and not smoking should be rewarded with less expensive health care for their efforts.

7. Elderly Americans and Doctors Must Have Freedom to Choose. Section 4507 of the Balanced Budget Act, which forbids doctors from treating any Medicare patients if they see one Medicare patient on a private contracting basis, should be repealed. Patients must not be coerced by the federal government from seeing each other if it best serves their health care needs.

9. Freedom of Information. American health care consumers shall have the right to a clear and concise description of what is and is not covered by any health plan. In addition, all health care plans shall provide full disclosure of the professional qualifications and performance records of their health care providers as well as their practices and procedures.

USERRA AMENDMENTS ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3213) to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3213

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 "USERRA Amendments Act of 1998".

SEC. 2. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended to read as follows:

"§ 4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United

States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

"(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State.".

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

SEC. 3. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) of title 38, United States Code, is amended by adding at the end the following: "Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.".

(b) FOREIGN COUNTRIES.—Subchapter II of chapter 43 of such title is amended by inserting after section 4318 the following new section:

"§ 4319. Employment and reemployment rights in foreign countries

"(a) LIABILITY OF CONTROLLING U.S. EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

"(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

"(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

"(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, may—

"(1) discriminate within the meaning of section 4311 of this title;

"(2) deny reemployment rights within the meaning of section 4312, 4313, 4314, or 4315 of this title; or

"(3) deny benefits within the meaning of section 4316, 4317, or 4318 of this title,

with respect to an employee in a workplace in a foreign country, if compliance with any such section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by inserting after the item relating to section 4318 the following new item:

"4319. Employment and reemployment rights in foreign countries.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to conduct occurring after the date of the enactment of this Act.

SEC. 4. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) of title 38, United States Code, is amended by inserting before the period at the end the following: ", without regard as to whether the complaint accrued before, on, or after October 13, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3213.

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

There was no objection.

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

Mr. Speaker, H.R. 3213 clarifies enforcement of the Uniformed Services Employment and Reemployment Rights Act with respect to State governments. It would also include U.S. employers in foreign countries under the provisions of this act. Many committee members from both sides of the aisle contributed to this bill and their efforts are appreciated.

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

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

Mr. Speaker, I wish to thank the chairman of the full committee for his bipartisan work again on this important bill to restore and strengthen the employment and reemployment rights of those who have served in our country's Armed Forces.

I also want to thank the gentleman from California (Mr. FILNER), the ranking member of the Subcommittee on Benefits, for introducing this legislation last year. The bill brought to our attention the need to restore the employment and reemployment rights of State employees following a 1996 subcommittee decision that had the effect of terminating their rights.

I also want to thank the gentleman from New York (Mr. QUINN), chairman of the subcommittee, for introducing this bill before us today, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that the appropriate remedies are available when violations of employment or reemployment rights to servicemembers threaten our Nation's ability to obtain and attract a strong military force.

Federal law protecting employment and reemployment rights for servicemembers has been in effect since the days before World War II. By passing this bill, we are fulfilling our duty to provide for the common defense of our Nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

I want to thank my colleagues again, especially the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), and the chairman for their hard work that they put in in bringing this bill to the floor today.

Mr. Speaker, I wish to thank the Chairman of the Full Committee for his bipartisan work on this important bill to restore and strengthen the employment and re-employment rights of those who have served our country in the Armed Forces. I wish to thank the Ranking Democratic Member of the Subcommittee on Benefits, Mr. FILNER for introducing H.R. 166 last year. This bill brought to our attention the need to restore the employment and re-employment rights of State employees following a 1996 Subcommittee decision that had the effect of terminating their rights.

I also wish to thank the Chairman of the Subcommittee on Benefits, Mr. QUINN for introducing the bill before us, H.R. 3213, which incorporates several important provisions to protect the rights of our servicemembers. Federal law must assure that appropriate remedies are available when violations of the employment or re-employment rights of servicemembers threaten our nation's ability to attain and maintain a strong military force.

This bill will correct several deficiencies in present law. Specifically, this bill will provide remedies for violations of employment and re-employment rights of servicemembers by:

Providing the federal government with a means of enforcing servicemembers' employment and re-employment rights in federal court;

Providing a remedy for servicemembers who are employed in foreign lands by United States corporations; and

Providing for review of certain complaints involving violation of servicemembers' rights by federal employers.

The need for this legislation became apparent after the Supreme Court's 1996 ruling in *Seminole Tribe of Florida* v. *Florida*, 116 S. Ct. 1114, that Congress was precluded by the Eleventh amendment from providing a federal forum for suits under laws enacted pursuant to the Commerce Clause of the United States Constitution. Although the authority for laws involving veterans benefits is derived from the War Powers clause, several courts have held the reasoning of the Seminole Tribe case precludes federal court jurisdiction of claims to enforce federal rights of State employees under the Uniformed Service Employment and Re-employment Rights Act (USERRA).

Federal law protecting employment and re-employment rights of servicemembers has been in effect since 1940. No claim of Eleventh amendment immunity from suit to enforce those rights in federal court had been granted until after the Supreme Court's Seminole Tribe decision. Several courts have now ruled that the Eleventh amendment bars suit to enforce the present law governing the employment and re-employment rights of State employees.

By passing this bill, we are fulfilling our Constitutional duty to "provide for the common Defence" of our nation. With the need to utilize the resources of the National Guard and Reserves to meet our Total Force military responsibilities, it is essential that those who volunteer to serve our country be protected by adequate safeguards of their right to obtain and retain suitable civilian employment.

The United States has a strong national interest in assuring that its military readiness will not be undermined by policies and practices which can deter competent and qualified citizens from military service, including the Guard and Reserve. This bill assures that the federal government's interest in protecting the employment and re-employment rights of our military personnel can be fully exercised in those cases where the employer is a State government. The ability of the United States to attract and retain the competent and qualified personnel necessary to meet our national security interests will be undermined absent a remedy which the federal government can pursue for egregious violations of veterans' rights.

This bill would permit the United States to bring such an action, thereby protecting the federal government's responsibility to provide for the national defense.

In addition, this bill extends the protection of employment and re-employment rights to veterans who are employed in foreign lands by United States corporations. In *EEOC* v. *Arabian American Oil Co.*, 111 S. Ct. 1227 (1991), the Supreme Court considered the issue of the extraterritorial application of Title VII of the Civil Rights Act of 1964 and held that there is a presumption against such application of U.S. laws. The Court also noted that the presumption can be overcome by a clear expression of congressional intent to apply a particular statute outside the United States. This clear expression is desirable in order to fully apply the universal coverage principle that has been inherent in veterans' employment and re-employment rights since the law's inception.

Finally the bill provides specific authority to the Federal Merit Protection Board to hear certain complaints involving federal employers, regardless of when the complaint arose. The basis for this change is the case of *Monsivais* v. *Department of Justice* (Three Rivers Bureau of Prisons). Mr. Monsivais had been charged with being absent from work without leave due to his participation in required military training after the Bureau of Prisons had refused his request for a military leave of absence. On March 17, 1997, the Office of the Special Counsel determined that even though the Bureau of Prison's alleged violations were prohibited under the prior version of the law, the Veteran's Reemployment Rights Act (VRRA), it was unable to represent Mr. Monsivais because the alleged violation of the law arose under the statute which preceded the enactment of USERRA on October 13, 1994. Because the VRRA did not provide for enforcement by the Office of the Special Counsel, there was no forum to address this violation. The provisions of this bill will allow for representation by the Office of the Special Counsel of persons before the Merit Systems Protection Board for pre-USERRA causes of action which are alleged to be violations of the VRRA statute. Jurisdiction of the Merit Systems Protection Board is extended to all claims filed with the Board after October 13, 1994 regardless of whether the action complained of occurred before, on, or after that date.

I thank my colleagues, especially Mr. QUINN, Chairman of the Subcommittee on Benefits and Mr. FILNER the Ranking Member of that subcommittee for their hard work in bringing this bill to the floor and recommend its passage.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, for further explanation of H.R. 3213.

Mr. QUINN. Mr. Speaker, for the record, I just want to mention that USERRA, the Uniformed Services Employment and Reemployment Rights Act, is the continuation of policy which was originally enacted in 1940 Public Law 76–96. Its purpose is to provide persons who serve for a limited period in the U.S. Armed Forces the right to return to civilian employment. This law applies to all employers, regardless of their size. It is particularly important today to persons serving in the Guard and Reserve.

This bill would substitute the United States for an individual veteran as the plaintiff in enforcement actions in cases where the Attorney General believes that a State has not complied with USERRA. Since the Attorney General, through U.S. Attorneys, is already involved in enforcing this law, this will not impose any new duties on the Department of Justice. Individuals not represented by the Attorney General would be able to bring enforcement actions in State court.

The bill also makes a technical change to USERRA suggested by the Department of Labor concerning overseas employees of U.S. companies and another needed change affecting Federal employee enforcement rights that

was discovered as a result of hearings held some 2 years ago.

In summary, Mr. Speaker, we are looking at State employees to be granted the same rights under USERRA as any other veteran or member of the Guard and Reserve who works in the private sector or the Federal Government.

I want to suggest to our colleagues that we support 3213. And finally, as others have, thanks to the ranking member of the committee, the gentleman from California (Mr. FILNER); of course, the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee; and the gentleman from Arizona (Mr. STUMP), the chairman, for their cooperation with the subcommittee in bringing the hearings together and also in bringing the bill to the floor today.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time; and I thank the gentleman from New York (Mr. QUINN) for working so closely with the members of the subcommittee to make sure that after the problem was identified, we came up with the consensus rather quickly to solve it for the men and women in our armed forces.

Mr. Speaker, I am pleased also to be an original cosponsor of H.R. 3213, what we call the USERRA Amendments Act of 1998. The measure is similar to H.R. 166, the Veterans' Job Protection Act that I introduced at the beginning of this Congress. It was clear to me that the 1996 Supreme Court decision that was referred to by Chairman Quinn would adversely affect members of the uniformed services employed by State governments and that legislation would be required to fix the problem.

H.R. 3213 will accomplish this goal and restore the employment and reemployment protections that have been provided for over 50 years to State employees who are also citizen-soldiers. There have already been at least two court decisions that rule against the veterans involved, so I am pleased that the House is now acting on this matter.

Mr. Speaker, since colonial days, the citizen-soldier has been one of America's oldest and most venerated military traditions; and members of the Reserve and National Guard are a critical component of our national defense. Since the adoption of the Total Force Policy in 1973, which recognized that all of America's military should be readily available to provide for the common defense, these men and women have been tasked with greater responsibility for nearly every phase of military preparedness.

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We all remember the crucial role members of the Guard and Reserves played in the successful conduct of the Persian Gulf War and the sacrifices these individuals made to serve their country. Literally hundreds of thousands of our citizen soldiers, many with little more than 48 hours' notice, left their families and their jobs to answer their country's call to arms. Because the law protects veterans' reemployment rights, these brave men and women were able to contribute enormously to the Gulf War effort with the assurance that their civilian employment would be available to them following their military service.

Mr. Speaker, as a result of the Supreme Court decision in 1996, members of the Guard and Reserves who are State employees were no longer to have that job protection provided for all other members of the uniformed services. The enactment of H.R. 3213 will restore this very important protection. I urge all my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I appreciate the gentleman yielding me this time to sort of speak a little bit out of turn, not on the topic of this bill but there is another bill that we were going to discuss today and we have not included it. That is H.R. 3039, the bill we call the Veterans Transitional Housing bill. We are not dealing with it today and will not until later this year because the Committee on the Budget has asked for more time to review the bill, which makes sense to me.

Mr. Speaker, we said in both the hearing which we held here in Washington and in a hearing held in Buffalo, New York late last year that a lot of Americans, indeed a lot of veterans are not aware that of all the homeless people in this country, fully one-third of them are veterans, people who have served their country at various points in our history and in their past. As we try to do whatever we can to bring services together to deal with this homelessness, particularly as it deals with veterans, there are a number of other Members here and certainly those on the committee who are concerned that this transitional housing bill, H.R. 3039, does come up later this year, possibly in May or June. I want to make certain the Committee on the Budget knows we will be working with them in every way possible to bring the bill up later this year.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ), a very able member of our committee.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of this bill which would advance the protections of the landmark Uniformed Services Employment and Reemployment Rights Act. Since 1940, USERRA has been the source of employment protection and remedies for veterans and reservists against all employers, government and private. Veterans and members of the armed services have had to fight for some of these rights in the courts. This bill addresses the problems which employees have faced against individual State employers and U.S. employers which control a foreign entity. I wish to focus on the provisions of H.R. 3213, which would expand veterans and uniformed service employment rights to employees in a foreign country working for an entity controlled by a U.S. company. Let me give my colleagues an example. We have individuals in the maquiladoras right across the border in Mexico. If they are called into the service of this country, we want to make sure that those individuals will be able to keep their jobs when they return. This bill provides that if a U.S. employer controls that overseas entity where the reservist works, then any denial of employment, reemployment or benefits by that foreign entity will be actionable against the U.S. employer. Foreign countries should not worry about this law imposing on their sovereignty, since the bill specifically does not apply when employer compliance would violate the law of the foreign country in which the workplace is located.

Mr. Speaker, I also would add that every effort needs to be made to assure that these individuals that have given of themselves and that are called to defend this country and called to serve this country, to make sure when they get back that that particular job is there waiting for them. I welcome this legislation and commend the House for its swift passage. I want to thank both the chairman and the ranking member of the committee for their work on this measure.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. Once again I would like to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), chairman and ranking member of the Subcommittee on Benefits as well as the gentleman from Illinois (Mr. EVANS), the ranking Democrat on the full committee for all their contributions to this bill. Once again this is a bipartisan bill. I urge all Members to support it.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3213, a bill to clarify the enforcement of veterran's employment rights. This legislation clarifies the enforcement of veteran's employment rights in regards to state employers and extends these rights to veterans employed overseas by American companies.

More specifically, this bill makes certain procedural changes to the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) in response to

a 1996 Supreme Court decision which held that the 11th amendment precluded congressionally authorized suits by private parties against nonconsenting states.

In response to this decision, this bill substitutes the United States for an individual veteran as the plaintiff in enforcement actions in cases where the attorney general believes that a state has not complied with USERRA law.

Furthermore, this bill applies USERRA law to U.S. employers in foreign countries. It does allow an exception when employer compliance would violate the law of the country where the workplace is located. It also requires direct payment of any claim compensation which is considered lost wages, benefits, or liquidated damages and clarifies that the merit systems protection board has jurisdiction to hear complaints brought by federal employees without regard to when the complaint was filed.

Mr. Speaker, one of the most important benefits to those who serve in our nation's military is veterans preference in future employment once they have left the armed forces. This legislation helps make this benefit more available to our veterans, who have earned it through their service to their country.

I urge my colleagues to join in supporting this worthwhile measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3213, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3412) to amend and make technical corrections in title III of the Small Business Investment Act, as amended.

The Clerk read as follows:

H.R. 3412

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 "Small Business Investment Company Technical Corrections Act of 1998".

SEC. 2. TECHNICAL CORRECTIONS.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 661) is amended—

(1) in section 303(g) (15 U.S.C. 683(g)), by striking subparagraph (13);

(2) in section 308 (15 U.S.C. 687) by adding at the end the following:

"(j) For the purposes of sections 304 and 305, in a case in which an incorporated or unincorporated business is not required by law to pay Federal income taxes at the enterprise level but is required to pass income through to its shareholders or partners, an eligible small business or smaller enterprise may be determined by computing the after-tax income of such business by deducting from the net income an amount equal to the net income multiplied by the combined marginal Federal and State income tax rate for corporations."; and

(3) in section 320 (15 U.S.C. 687m), by striking "6" and inserting "12".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. Let me start by thanking the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business. I appreciate her assistance in moving the bill and her help in fashioning it.

Mr. Speaker, I will not take too long. This is a technical corrections bill. While it is important work, there is no reason to spend a great deal of time on it. The purpose of H.R. 3412 is to make certain technical amendments to title III of the Small Business Investment Act of 1958. Title III authorizes the Small Business Investment Company program. The small business investment companies are venture capital firms licensed by the Small Business Administration that use SBA guarantees to leverage private capital for investment in small businesses. The technical corrections proposed by H.R. 3412, as amended, will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

Congress revamped the SBIC program during the 103rd Congress to provide for a new form of leverage geared specifically toward equity investment in small businesses. Over the past few years as the new program has become established, certain deficiencies have come to light. In addition, certain statutory provisions have become obsolete. Moreover, the nature of the SBIC industry has changed. The result is a participating securities program that is made up primarily of smaller SBICs. The fact that these smaller SBICs are dominating the program points to shifting dynamics in the SBIC program. Smaller, start-up investments are more typical, and therefore the demand for SBA leverage has shifted to smaller individual placements.

H.R. 3412 seeks to correct these deficiencies and remove provisions that may produce confusion due to changes in law and the character of the SBIC program. Under H.R. 3412, a provision in the Small Business Investment Act that reserves leverage for smaller SBICs will be repealed. Changes in SBA policy regarding applications for leverage, statutory changes in the availability of commitments for SBICs and the makeup of the industry present the possibility that that provision may, unless repealed, create conflicts and confusion.

H.R. 3412 also modifies the test for determining the eligibility of small businesses for SBIC financing. Current statutory language does not account for small businesses organized in pass-through tax structures such as S corporations, limited liability companies, and certain partnerships. These small businesses do not pay taxes at the enterprise level, but instead pass through income and the ensuing tax liabilities to their partners and shareholders. Consequently, many of these small businesses face difficulties when the income test is applied to them, and are often declared ineligible for financing they should receive.

Finally, H.R. 3412 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investments in small businesses. Current law allows funding pools to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest. Allowing more time between fundings will permit SBA and the industry to form larger pools for sale in the market, thereby increasing investor interest and improving the interest rates for the small businesses financed.

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

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

Mr. Speaker, I rise today in strong support of H.R. 3412. I would like to thank the distinguished chairman of the Committee on Small Business for bringing this legislation to the floor. I urge my colleagues to support this bill, which makes corrections to the Small Business Investment Act and the Small Business Investment Company Program.

There is no question that the value of small business investment companies has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. The result has been the creation of millions of jobs and billions of dollars in tax revenue. The bill before us today expands on that legacy by taking a good program and making it better.

The passage of H.R. 3412 will make the SBIC program even more efficient and responsive to the needs of small entrepreneurs. The changes made by this legislation will serve a number of important purposes. By giving the SBIC program greater flexibility in

issuing investment guarantees, small businesses will be assured lower interest rates.

Second, H.R. 3412 clarifies SBA's role in ensuring equitable distribution and management of its participating securities to SBICs of all sizes. Finally, the bill confirms that small businesses, regardless of their chosen business form, are eligible for SBIC financing.

These changes are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently. Last year alone SBICs invested over $2.4 billion in over 2,500 small businesses. This bill will allow us to expand the scope of the SBIC program even further, allowing us to create more jobs and provide even greater economic opportunity to our Nation's small entrepreneurs.

I am pleased to join the distinguished chairman in support of the proposed corrections, and I am happy to be a cosponsor of this legislation. I urge my colleagues to join me in supporting H.R. 3412.

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

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume. This bill will have a real impact on the businesses in this country seeking start-up financing. At the end of the day, that is the most important part of our job. Let me again thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff, Michael Day and Salomon Torres, for their assistance in moving this measure before us. Let me also extend my appreciation to my staff, particularly Emily Murphy, Harry Katrichis and Tee Rowe. Mr. Speaker, I urge my colleagues to support H.R. 3412.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 3412, as amended.

The question was taken.

Mr. TALENT. 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.

CONVEYANCE OF CERTAIN LANDS AND IMPROVEMENTS IN VIRGINIA

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3226) to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

The Clerk read as follows:

H.R. 3226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to authorize the Secretary of Agriculture (referred to in this Act as the "Secretary") to sell or exchange all or part of certain administrative sites and other lands in the George Washington National Forest and the Jefferson National Forest, and to use the value derived therefrom to acquire a replacement site and to construct on the site suitable improvements for national forest administrative purposes.

SEC. 2. SALE OR EXCHANGE OF LAND.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the approximately 368 acres contained in the following tracts of land situated in the State of Virginia:

(1) Tract J–1665 (approximately 101 acres), as shown on the map titled "Natural Bridge Juvenile Corrections Center, February 4, 1998".

(2) Tract G–1312a (approximately 214 acres), Tract G–1312b (approximately 2 acres), and Tract G1312a–I (approximately 10 acres), as shown on the plat titled "George Washington National Forest, Alleghany Construction Company, (1312a,–I,b), Alleghany County, Virginia, June 1936".

(3) Tract G–1709 (approximately 23 acres), as shown on the plat titled "James C. Doyle, Alleghany County, Virginia, April 13, 1993".

(4) Tract G–1360 (consisting of Lots 31 and 32; approximately .29 acres), Tract G–1361 (consisting of Lots 29 and 30; approximately .29 acres), Tract G–1362 (consisting of Lots 22, 23, and 24; approximately .43 acres), and Tract G–1363 (consisting of Lot 21; approximately .14 acres), as shown on the plat titled "Dry River Road, George Washington National Forest, Warehouse Site, Bridgewater, Rockingham County, Virginia, July 1936".

(5) Tract G–1524 (consisting of Lot 13; approximately .13 acres), as shown on the plat titled "Vertie E. Beery Tract, Rockingham County, Virginia, February 3, 1966".

(6) Tract G–1525 (consisting of Lots 11 and 12; approximately .26 acres), as shown on the plat titled "Charles F. Simmons Tract 1525, Rockingham County, Virginia, February 3, 1966".

(7) Tract G–1486 (consisting of Lots 14, 15, and 16; approximately .39 acres), as shown on the plat shown at Deed Book 133, Page 341 Rockingham Virginia Records of the D.S. Thomas Inc. Addition, Town of Bridgewater.

(8) Tract N–123a (consisting of Lots 7 and 8; approximately .287 acres), as shown on the plat titled "George Washington Forest. A.M. Rucker, Tract N–123a, Buena Vista, Virginia".

(9) Tract N–123b (consisting of Lots 5 and 6; approximately .287 acres), as shown on the plat titled "George Washington Unit, A.M. Rucker, N–123b, Rockbridge County, Virginia, city of Buena Vista, dated 1942".

(10) Tract G–1417 (approximately 1.2 acres), as shown on the plat titled "George Washington Unit, R.A. Warren, Tracts (1417-1417a), Bath County, Virginia, May 1940".

(11) Tract G–1520 (approximately 1 acre), as shown on the plat titled "Samuel J. Snead Tract, Bath County, Virginia, February 3, 1966".

(12) Tract G–1522a (approximately .65 acres), as shown on the plat titled "Charles N. Loving Tract, Bath County, Virginia, February 3, 1966".

(13) Tract G–1582 (approximately .86 acres), as shown on the plat titled "Willie I. Haynes Tract, Bath County, Virginia, January 1974".

(14) Tract G–1582a (approximately .62 acres), as shown on the plat titled "Willie I. Haynes, Bath County, Virginia, January 1979".

(15) Tract G–1673 (approximately 1.69 acres), as shown on the plat titled "Erwin S. Solomon Tract, Bath County, Virginia, September 15, 1970".

(16) Tract J–1497 (approximately 2.66 acres), as shown on the plat titled "James A. Williams, Tract 1497, January 24, 1990".

(17) Tract J–1652 (approximately 1.64 acres), as shown on the plat titled "United States of America, Tract J–1652, Buchanan Magisterial District, Botetourt County, Virginia, September 4, 1996".

(18) Tract J–1653 (approximately 5.08 acres), as shown on the plat titled "United States of America, Tract J–1653, Peaks Magisterial District, Bedford County, Virginia, November 4, 1996".

The Secretary may acquire land, and existing or future administrative improvements, in consideration for the conveyance of the lands designated in this subsection.

(b) APPLICABLE AUTHORITIES.—Except as otherwise provided in this Act, any sale or exchange of all or a portion of the lands designated in subsection (a) shall be subject to existing laws, rules, and regulations applicable to the conveyance and acquisition of lands for National Forest System purposes.

(c) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the lands designated in subsection (a) from any exchange authorized by subsection (a).

(d) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may use public or private solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe. The Secretary may reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

Any funds received by the Secretary through sale or by cash equalization from an exchange shall be deposited into the fund provided by the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act, and shall be available for expenditure, upon appropriation, for—

(1) the acquisition of lands, and interests in the lands, in the State of Virginia; and

(2) the acquisition or construction of administrative improvements in connection with the George Washington and Jefferson National Forests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. GOODE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R. 3226, my bill to convey administrative and other lands in the George Washington and Jefferson National Forests and to utilize the value derived therefrom to acquire replacement sites, where appropriate, and suitable improvements for national forest administrative purposes.

H.R. 3226 grants authority for the Forest Service to sell 200 acres of land adjacent to U.S. Interstate 64 to the

Allegheny Highlands Economic Development Authority for purposes of developing a corporate area catering to high tech companies.

□ 1550

It will be named Innovation Park. Innovation Park should prove to have a positive economic impact by bringing high-tech jobs to those living in the rural areas. This project will not only address a need for good high-paying jobs but also for additional transportation, water, and wastewater system development and improvement.

An environmental impact review is currently underway. Preliminary results indicate that Innovation Park will not adversely impact any habitats for plant or animal life. A public notice of environmental assessment was issued in January and not a single complaint has been registered.

Mr. Speaker, let me say that I have had the opportunity to visit this site in Allegheny County in my congressional district. It is an ideal location for a transfer of land from the National Forest Service to this economic development authority because this land is not contiguous with any other land in the national forest and it is located in a place where it is particularly suitable for economic development, right along an interstate highway.

The plans for this particular park are very exciting for this area of my district, which is a rural area and which needs to have the kind of high-tech jobs that this park we think will draw to the Allegheny Highlands, one of the most beautiful areas in the entire country, one that has a very high quality of life and is in need of higher-paying jobs.

My bill also transfers the Natural Bridge Juvenile Correction Center from the Forest Service to the Commonwealth of Virginia, along with nearly 20 other administrative land tracts or land tracts that lost their natural forest character because of proximity to interstate highways. The largest of these tracts is 1.69 acres, but the majority of them are about a third of an acre. They are either residential sites, vacant lots or the lands are not manageable as forestlands and are no longer necessary for administrative purposes.

The Forest Service does not object to the land transfers and has been very cooperative in this attempt to gain transfer authority. They believe that the property included in my bill is more conducive to economic development than forest management and therefore are anxious to remove it from their need to manage inventory.

I would like to offer special recognition to Glynn Loope, the executive director of the Economic Development Authority. The Innovation Park project would not have made it as far as it has without his perseverance and enthusiasm.

This is just the first step in a long journey to bring major economic and high-tech development to the Allegheny Highlands as well as the greater Rockbridge area, Bath, Botecort, and Craig counties in Virginia. I am proud to sponsor and support this bill. I am confident of its success and look forward to being of continued assistance to the Innovation Park project.

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

Mr. GOODE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 3226 authorizing the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia. I would like to begin by commending the gentleman from Virginia (Mr. GOODLATTE) for his leadership and hard work on this legislation. This bill will clear the way for George Washington and Jefferson National Forests to sell 368 acres to the Commonwealth of Virginia in exchange for cash and land. All sales or exchanges would be for fair market value.

The Natural Bridge Juvenile Correctional Center is located in Rockbridge County. It has been under the maintenance and supervision of the Commonwealth since 1964 and, having seen that facility, in my opinion it is highly appropriate that it be conveyed to the Commonwealth.

This legislation also authorizes the sale of over 200 acres along Interstate 64. This tract will be sold to the Allegheny Highland Economic Development Authority which will develop the land into a separate area called Innovative Park. Additionally, this bill authorizes the sale of several other small tracts of land which are close to I-64 and which have lost their natural forest characteristics. The proceeds from the sale will be used for the acquisition of other lands in Virginia that still have forest characteristics.

The George Washington National Forest, the Jefferson National Forest and the U.S. Forest Service have expressed their support for this legislation. I strongly support the measure and urge its passage by the House.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume simply to thank my colleague from my neighboring district for his support for this legislation, which hopefully will also yield some benefits further across the State to his district as well. This is something that is responsible use of National Forest Service land and good for economic development in Virginia, it is something that has the strong support of the National Forest Service, and I urge my colleagues to adopt this legislation.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3226.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3226, the bill just passed.

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

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The Clerk called the bill (H.R. 3096) to correct a provision relating to termination of benefits for convicted persons.

The Clerk read the bill, as follows:

H.R. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION.

Section 8148(a) of title 5, United States Code, is amended by striking "a receipt" and inserting "or receipt".

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from New York (Mr. OWENS) each will be recognized for 30 minutes.

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

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

The subject of H.R. 3096 is the Federal Employees Compensation Act. The Federal Employees Compensation Act is a good statute, it is an important one, it makes sure that when Federal employees are injured in the line of work that their lost wages are made up by the Federal Government and that their medical bills are paid for. It is a program that has been in place for a long time and it is one that we need to have, of course.

There are some problems with this program in my view. We are now spending $1.9 billion a year to pay for the costs of 270,000 Federal workers. There

are some changes that I will propose at a future date. We had a hearing on those changes this morning. But today, for Corrections Day, we are considering H.R. 3096, which unlike some of the other more controversial changes that I will propose, is noncontroversial and enjoys bipartisan support.

The loophole that we are trying to close with this Corrections Day Calendar has to do with the following:

Under the current law, if an individual files a valid claim for an injury during the course of Federal employment and then subsequently files a false claim or false follow-up information and is convicted and may even go to jail, under that scenario that individual can still, believe it or not, receive every 4 weeks a Federal workers' compensation check from the very funds supported by the taxpayers that that individual has defrauded.

We are going to simply change one word, change the word "a" to "or" so that we make sure that an individual will be ineligible to receive workers' compensation funds whether they had committed the initial fraud at the first claim or any subsequent fraud thereafter.

It is a good bill, it is an important thing to do to make the system have a bit more integrity. It has bipartisan support. It is supported by the Department of Labor and the Department of Labor's Office of Inspector General, and I would urge an aye vote.

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

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

Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD), the sponsor of H.R. 3096, and the Inspector General of the Department of Labor who recommended that we make this correction to the statute. The statute as presently drafted and the parallel language in the Federal Criminal Code differ, creating a discrepancy in the law which could have been interpreted to allow persons to receive FECA benefits on the basis of fraudulent information. The legislation before us makes a minor technical correction, changing an "a" to an "or." This will ensure that persons who commit fraud and the receipt of FECA benefits would lose their entitlements to such benefits.

I am pleased to support this legislation and again I commend the sponsor, the gentleman from Pennsylvania (Mr. GREENWOOD), for bringing it before us.

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

Mr. GREENWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, as Chairman of the Corrections Advisory Group, I rise today in full support of the legislation of the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 3096. This is truly a technical correction, and it is fitting for the bill to be considered on the Corrections Calendar.

Mr. Speaker, our Nation's laws are complex and sometimes confusing, and when someone interprets the law, one word can make a difference. In this case, the inconsistent use of one word and the thousands of words that make up our laws called into question the law's application to certain individuals.

The gentleman from Pennsylvania (Mr. GREENWOOD) recognized this inconsistency and quickly acted to make a change. He contacted the Corrections Advisory Group, which moved to correct the problem. The bill ensures that no Federal employee can lie on a benefit application or any subsequent request for information and get away with it.

The Corrections Calendar was created to fix small, technical corrections such as this, and I am pleased the bill has made its way to the House floor so quickly.

I would like to thank the gentleman from Pennsylvania for introducing this bill and for utilizing the Corrections Advisory Group, and I urge my colleagues to support the bill.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his bipartisan support of this legislation. I want to thank the full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the Subcommittee on Workforce Protection chairman, the gentleman from North Carolina (Mr. BALLENGER), for their support of H.R. 3096 and for moving it so quickly through the committee. I would also like to again express my appreciation to the gentleman from New York (Mr. OWENS) and the gentleman from Missouri (Mr. CLAY), as well as the Members on both sides of the aisle and, as well, the Corrections Day committee for their support of H.R. 3096.

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

Mr. OWENS. Mr. Speaker, I have no additional speakers and I, too, yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. GREENWOOD. 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, further proceedings on this question are postponed.

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3096.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3096, CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3096, the Clerk be authorized to make such technical and conforming changes that will be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

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

There was no objection.

AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2843

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 "Aviation Medical Assistance Act of 1998".

SEC. 2. MEDICAL KIT EQUIPMENT AND TRAINING.

Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall reevaluate regulations regarding (1) the equipment required to be carried in medical kits of aircraft operated by air carriers, and (2) the training required of flight attendants in the use of such equipment, and, if the Administrator determines that such regulations should be modified as a result of such reevaluation, shall issue a notice of proposed rulemaking to modify such regulations.

SEC. 3. REPORTS REGARDING DEATHS ON AIRCRAFT.

(a) IN GENERAL.—During the 1-year period beginning on the 90th day following the date of the enactment of this Act, a major air carrier shall make a good faith effort to obtain, and shall submit quarterly reports to the Administrator of the Federal Aviation Administration on, the following:

(1) The number of persons who died on aircraft of the air carrier, including any person who was declared dead after being removed

from such an aircraft as a result of a medical incident that occurred on such aircraft.

(2) The age of each such person.

(3) Any information concerning cause of death that is available at the time such person died on the aircraft or is removed from the aircraft or that subsequently becomes known to the air carrier.

(4) Whether or not the aircraft was diverted as a result of the death or incident.

(5) Such other information as the Administrator may request as necessary to aid in a decision as to whether or not to require automatic external defibrillators in airports or on aircraft operated by air carriers, or both.

(b) FORMAT.—The Administrator may specify a format for reports to be submitted under this section.

SEC. 4. DECISION ON AUTOMATIC EXTERNAL DEFIBRILLATORS.

(a) IN GENERAL.—Not later than 120 days after the last day of the 1-year period described in section 3, the Administrator of the Federal Aviation Administration shall make a decision on whether or not to require automatic external defibrillators on passenger aircraft operated by air carriers and whether or not to require automatic external defibrillators at airports.

(b) FORM OF DECISION.—A decision under this section shall be in the form of a notice of proposed rulemaking requiring automatic external defibrillators in airports or on passenger aircraft operated by air carriers, or both, or a recommendation to Congress for legislation requiring such defibrillators or a notice in the Federal Register that such defibrillators should not be required in airports or on such aircraft. If a decision under this section is in the form of a notice of proposed rulemaking, the Administrator shall make a final decision not later than the 120th day following the date on which comments are due on the notice of proposed rulemaking.

(c) CONTENTS.—If the Administrator decides that automatic external defibrillators should be required—

(1) on passenger aircraft operated by air carriers, the proposed rulemaking or recommendation shall include—

(A) the size of the aircraft on which such defibrillators should be required;

(B) the class flights (whether interstate, overseas, or foreign air transportation or any combination thereof) on which such defibrillators should be required;

(C) the training that should be required for air carrier personnel in the use of such defibrillators; and

(D) the associated equipment and medication that should be required to be carried in the aircraft medical kit; and

(2) at airports, the proposed rulemaking or recommendation shall include—

(A) the size of the airport at which such defibrillators should be required;

(B) the training that should be required for airport personnel in the use of such defibrillators; and

(C) the associated equipment and medication that should be required at the airport.

(d) LIMITATION.—The Administrator may not require automatic external defibrillators on helicopters and on aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less.

(e) SPECIAL RULE.—If the Administrator decides that automatic external defibrillators should be required at airports, the proposed rulemaking or recommendation shall provide that the airports are responsible for providing the defibrillators.

SEC. 5. LIMITATIONS ON LIABILITY.

(a) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in obtaining or attempting to obtain the assistance of a passenger in an in-flight medical emergency, or out of the acts or omissions of the passenger rendering the assistance, if the passenger is not an employee or agent of the carrier and the carrier in good faith believes that the passenger is a medically qualified individual.

(b) LIABILITY OF INDIVIDUALS.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the individual in providing or attempting to provide assistance in the case of an in-flight medical emergency unless the individual, while rendering such assistance, is guilty of gross negligence or willful misconduct.

SEC. 6. DEFINITIONS.

In this Act—

(1) the terms "air carrier", "aircraft", "airport", "interstate air transportation", "overseas air transportation", and "foreign air transportation" have the meanings such terms have under section 40102 of title 49, United States Code;

(2) the term "major air carrier" means an air carrier certificated under section 41102 of title 49, United States Code, that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of the most recent year preceding the date of the enactment of this Act, as reported to the Department of Transportation pursuant to part 241 of title 14 of the Code of Federal Regulations; and

(3) the term "medically qualified individual" includes any person who is licensed, certified, or otherwise qualified to provide medical care in a State, including a physician, nurse, physician assistant, paramedic, and emergency medical technician.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, the Subcommittee on Aviation and the full Committee on Transportation and Infrastructure unanimously approved the Aviation Medical Assistance Act, H.R. 2843, on March 5 and March 11 respectively. Medical equipment aboard commercial aircraft have not been reviewed in over 13 years, until the Subcommittee on Aviation held a hearing last year. We heard from several expert witnesses in aviation medical equipment, including the FAA air surgeon, Dr. Jon Jordan, Dr. Russell Rayman from the Aerospace Medical Association, Dr. David McKenas from American Airlines, and several other well informed and knowledgeable witnesses. We heard very dramatic and moving testimony from family members who had loved ones who had died after experiencing medical problems during plane trips.

From this testimony we basically heard three overriding things: One, we need to improve our medical equipment on aircraft; two, there is no reliable data on the number of in-flight medical emergencies; and three, a Good Samaritan provision should be incorporated into any bill.

Before I go on, let me say that I am very encouraged by the increasing number of U.S. airlines that have voluntarily placed or have begun to place defibrillators and other improved medical equipment on board their aircraft. American Airlines, Delta, United, Alaska Air and American Trans Air should all be commended for their efforts to provide passengers with the best possible care and the best medical equipment available. In fact, it is my understanding that these defibrillators have already saved the lives of at least two passengers just within the last few months.

And I should point out that in 1997, 640 million people flew in the United States, and the FAA predicts that almost 1 billion passengers will fly commercially in the United States by the year 2007.

□ 1545

These enormous increases in passenger traffic will almost undoubtedly lead to an increase in the number of in-flight medical emergencies. There are those who prefer to see these defibrillators mandated by the FAA. I must admit that we gave this some thought, mainly because the American Heart Association tells us that more than 1,000 Americans suffer from sudden cardiac arrest each day, and this is bound to increase with the aging of the American population.

We went back and reviewed testimony from our witnesses who expressed concerns about the lack of reliable data on medical emergencies and a concern about what sizes or types of aircraft could accommodate these medical devices.

So this is basically why we are here today with H.R. 2843, which I have sometimes referred to as the Good Samaritan in the Skies bill.

H.R. 2843 has four components. First, it requires the FAA, not later than 1 year after enactment of the bill, to reevaluate regulations regarding the equipment required to be carried in medical kits and first-aid training, medical emergency training required by flight attendants.

Secondly, it requires air carriers to submit reports to the FAA on the number of deaths on board aircraft, age of the person, and whether or not the aircraft was diverted as a result of the death or incident.

Third, it also requires the FAA, based upon data gathered over the year period, to determine whether or not automatic external defibrillators should be required on commercial passenger airplanes and at airports.

Fourth, and finally, and I think very importantly, the bill limits liability

for an air carrier, should the flight attendant or crew in good faith believe that the passenger rendering assistance is a medically qualified individual such as a doctor, nurse, or paramedic.

It also limits liability for the passenger rendering assistance unless he or she is found guilty of gross negligence or willful misconduct.

This legislation will enable the needed information to be properly gathered and analyzed so that the FAA can make a proper and informed decision on what types of additional equipment should be required for air passenger carriers.

This is a good bill, Mr. Speaker, that every Member of the House can support. And I urge its passage.

Lastly, I want to thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation. He is truly a man with a good and kind heart. He really tries to help people.

I have heard it said, and I believe it to be true, that no committee or subcommittee in this Congress has a chairman and ranking member who get along and work together better than the gentleman from Illinois and I do. I thank him for his support on this legislation.

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

Mr. LIPINSKI. Mr. Speaker, I yield myself the amount of time I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from Tennessee (Mr. DUNCAN) for introducing such an important bill. After our excellent Subcommittee on Aviation hearing on this issue last session, it was obvious that something needed to be done to address the increasing number of medical emergencies in the sky. I am proud to be an original cosponsor of H.R. 2843, the Aviation Medical Assistance Act.

The number of airline passengers traveling both domestically and internationally is growing by leaps and bounds each year. As more people fly, and fly longer distances, there is a greater chance of serious medical emergencies occurring during flight.

Unfortunately, because the Federal Aviation Administration does not require airlines to report the number of in-flight medical emergencies, we can only make an educated guess that the number of medical emergencies has increased each year with the number of airline passengers.

Fortunately, the Aviation Medical Assistance Act will require major airlines to report their on-board medical incidents to the FAA. This reporting requirement will provide data on the number and types of in-flight medical emergencies.

This data can then be used to determine exactly what the major airlines need to have on board to help prevent the most common types of in-flight medical emergencies. Without this data provided by this reporting requirement, the airlines and the FAA would have to continue to guess about how to best prevent an in-flight medical tragedy.

H.R. 2843 also directs the FAA to use the in-flight medical incident data reported by the airlines to determine whether to require defibrillators aboard aircraft and, if so, what type of aircraft.

Recent technology improvements have made defibrillators portable, compact, and easy to use. In fact, at the Subcommittee on Aviation hearing last May, we saw the new smaller defibrillator, and it is amazing how easy this lifesaving device is to use.

Several major air carriers have already agreed to voluntarily place defibrillators on their aircraft. I want to commend American Airlines, Delta Airlines, United, and Alaskan Airlines for voluntarily taking this step forward in passenger safety.

I believe that the FAA will quickly see from the in-flight medical data that defibrillators are lifesaving devices that should be required on all major carriers and at all major airports. Hopefully, the FAA will act quickly and make a decision to require defibrillators on all major carriers in the near future.

Finally, the bill includes a Good Samaritan provision. This provision would protect from legal liability the Good Samaritan, such as the doctor on board the flight who volunteers to help in a medical emergency.

When a medical emergency happens during flight, the flight crew must often rely on the help of passengers who are medical professionals. Unfortunately, many doctors on board are often weary of volunteering their services for fear of being sued.

This Good Samaritan provision protects passengers who volunteer to help, unless, of course, they are grossly negligent or engaged in willful misconduct. The Good Samaritan provision also generally protects the airlines from legal liability for the actions of their passengers.

When passengers get on a plane, they assume that they will be safe. H.R. 2843, the Aviation Medical Assistance Act, will make sure that all passengers are safe when they board a plane. H.R. 2843 will help ensure that in-flight medical emergencies do not become in-flight medical tragedies.

Again, I am a proud cosponsor of this bill, and I want to urge all of my colleagues to vote yes on this very important piece of legislation.

Mr. Speaker, I yield as much time as she may consume to the young gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman from Illinois for that compliment.

Mr. Speaker, I rise today in support of this legislation which will provide American air travelers with a vital margin of safety that they need so much.

It was not that long ago, a little over a year ago, that I was traveling on a plane one evening, and a gentleman came down the aisle and he fell face forward and was unconscious. It did not seem it was my imagination, but it seemed that the flight attendants were going in opposite directions. Then a call was put out for a doctor on the plane.

There was no doctor on the plane, unfortunately. But, fortunately, there was a nurse on the plane, and she came to the assistance of the passenger. At one point, she called for the first-aid box. The box came, she opened it, and there were just a few bandages in it and something that looked like something for a toothache, and very little else. She found nothing that could help her in her assistance at that time.

It was shortly after this, Mr. Speaker, that I introduced legislation to require airlines to carry automatic electronic defibrillators on all flights. This legislation was prompted by a visit from one of my constituents, Mrs. Lynn Talit, who came to see me in Washington shortly after this occasion that happened to me on an airline, to tell me that her husband had suffered a heart attack during a flight.

The facts were devastating, and I felt very badly for Mrs. Talit. She told me her husband had died. She had a terrible time finding information about exactly when he had died, what were the circumstances after his death, what had occurred during the illness. And yet she was a very brave woman and she persevered to find out all this information. Then she felt that she really should help others who had loved ones who suffer heart attacks on an air flight.

Since then, of course, we have learned that this experience is one that happens to others. In fact, newspapers, since this problem has come to light, have chronicled both a sudden death of a young woman aboard a plane not long ago and the use of an AED to save another passenger's life.

So now that we have highlighted the situation that people do, in fact, have heart attacks on planes, as they have heart attacks everywhere else, and that if we have an automatic defibrillator on the plane, it could save a passenger's life.

This constituent of mine had the good fortunate to go see the gentleman from Tennessee (Mr. DUNCAN) and told her story to him. He was marvelous about making it possible to have a hearing on this situation of people becoming ill on airlines, and the fact that if an automatic defibrillator is available lives can be saved.

Chairman DUNCAN held a hearing and my constituent was able to testify at

that hearing, and I think now we have evidence to justify requiring AEDs on all flights.

This bill that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) have brought forth will move this decision in the right direction by giving FAA 1 year to make the decision. In other words, the added margin of safety passengers deserve may be only a year away.

What I am saying today is that I think we have a situation where we should have an automatic electronic defibrillator on every flight. American Airlines actually has said that they intend to do this. Other airlines are coming to this practical decision.

But in the meantime, this study that the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) is bringing forth will make it possible for us to address the whole idea of health and safety on airlines, making sure that first-aid box has in it what is necessary to assist passengers.

By the way, we have come a long way, probably as has been mentioned before on the floor, that airline attendants, beginning after World War I, when we first had airline attendants, were required to have nurse's training. We have gone all the way from having nurse's training as a requirement to having a sick person sick on a plane without an adequate first aid box. We can understand why the airline attendants are concerned when a passenger becomes ill because they do not have the training to take care of a sick passenger, and they know it.

All of us in this room travel by air quite often, and if we are sick we certainly hope that there is a doctor on board, but more importantly, we hope there is trained personnel to help us till the plane lands.

I hope in the name of my constituent that an automatic electric defibrillator gets on every plane so that, in fact, if there is a serious heart attack, if, in fact, there is heart failure, every individual will have a chance to have the necessary help available to save his or her life. It makes good sense to have automatic electronic defibrillators on all planes. Thank you Mr. Speaker.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume to close for our side.

I simply want to say this is really a very important piece of legislation and a piece of legislation that will help make the skies much safer than they are at the present time.

I want to compliment the gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation. As usual, he has been enormously generous in sharing the credit on this bill with everybody else on the subcommittee. His usual cooperation has once again been there. It is a pleasure and a great opportunity, really, for me to continue to work with him on the Subcommittee on Aviation.

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

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

Mr. Speaker, I want to close by once again thanking the gentleman from Illinois (Mr. LIPINSKI), but also I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY), who is a cosponsor of this legislation.

I mentioned in my statement a few minutes ago the very moving and dramatic testimony that we heard from two family members, one of whom was her constituent. I can tell my colleagues that I do not believe we would be as far along on this legislation today, where we are at this moment, if it was not for the gentlewoman from Connecticut (Mrs. KENNELLY). And I appreciate her work.

This is a good bill. This bill is going to lead to better medical equipment on airlines throughout this Nation. It is going to lead to better medical training for airline personnel. It is going to lead to the first ever Good Samaritan law in the skies so that passengers who have medical training can provide much-needed assistance during medical emergencies.

When we add all of those things together, I think this is very important legislation. It is very good legislation. It is legislation that all Members of this Congress can point to with pride and support enthusiastically.

Mr. OBERSTAR. Mr. Speaker, I support H.R. 2843, the Aviation Medical Assistance Act, and I urge our colleagues to vote for it today. I commend Chairman DUNCAN and Congressman LIPINSKI for working closely together in a nonpartisan fashion to develop a bill that was reported out of the Committee with no dissenting votes.

Other speakers have done a good job of explaining the legislation. This bill will move us along the road to an industry standard that will require the carriage of heart defibrillator equipment on airliners.

I firmly believe that if there is safety technology available and some in the industry are utilizing it to good benefit, then there is little reason not to require all of the industry to take similar steps. The traveling public expects that when they board an airliner that there will be equivalent levels of safety.

I want to strongly commend those airlines, Delta, American, Alaska, and United, for recognizing the need, being forward-thinking enough to recognize new developments in medical technology, and taking the initiative to carry defibrillators without waiting for the government to require them. It is because of these sorts of steps that these particular airlines are widely recognized and appreciated as leaders in aviation safety.

This bill, if enacted this year, will likely lead us to a rule about two years from now, requiring defibrillators on airline aircraft. Given the fact that the three largest carriers and Alaska Airlines are already instituting programs for this life-saving equipment, I believe that the rest of the industry and the Federal Aviation Administration need not and should not take all of this time to decide that all aircraft be equipped.

In the area of liability, this bill takes a very reasoned and narrow approach in protecting airlines from liability. An airline will not be liable for its selection of a passenger to use the defibrillator equipment, if the airline, in good faith, believed that the person was qualified to use the equipment. Other than that, the airline's liability remains the same as it is today.

The bill also provides "Good Samaritan" protections for the individual using the equipment, so long as they are not grossly negligent or engaged in willful misconduct.

Again, Mr. Speaker, I urge an "aye" vote on this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1400

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2843, the bill just passed.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 1 minute 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. PEASE) at 5 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the approval of the Journal, on each motion to suspend the rules on which further proceedings were postponed earlier today,

and then on the bill on the Corrections Calendar, in the order in which that motion was entertained.

Votes will be taken in the following order: approval of the Journal, de novo; H.R. 3211, by the yeas and nays; H.R. 3412, by the yeas and nays; and H.R. 3096, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 40, not voting 23, as follows:

[Roll No 64]

YEAS—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Ford
Fossella
Fowler
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
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—40

Becerra
Borski
Brown (CA)
Clay
Clyburn
Costello
Crane
DeFazio
Ehlers
Ensign
Fazio
Filner
Fox
Gutierrez
Gutknecht
Hill
Hilleary
Hilliard
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Maloney (NY)
McNulty
Menendez
Moran (KS)
Oberstar
Pickett
Ramstad
Rogan
Sabo
Schaffer, Bob
Sessions
Slaughter
Stupak
Taylor (MS)
Thompson
Wamp
Weller
Wicker

NOT VOTING—23

Buyer
Cannon
Capps
Chenoweth
Cooksey
Deal
Diaz-Balart
Gonzalez
Harman
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Spratt
Stark
Waters
Yates

□ 1723

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote number 64, the Journal, my airplane was delayed and I was unavoidably detained. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–460) on the resolution (H. Res. 390) providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2578, EXTENDING THE VISA WAIVER PILOT PROGRAM

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–461) on the resolution (H. Res. 391) providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997 (BESTEA)

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

Mr. SOLOMON. Mr. Speaker, I have an announcement about BESTEA and ISTEA, and all my colleagues should listen up.

Mr. Speaker, the Committee on Rules is planning to meet early next week, maybe as early as Monday, to grant a

rule to limit the amendments which may be offered to the BESTEA bill. Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 30, at the Committee on Rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed earlier proceedings.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3211, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 65]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
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
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Capps
Chenoweth
Gonzalez
Harman
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Spratt
Stark
Waters
Yates

□ 1734

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. CAPPS. Mr. Speaker, during rollcall vote number 65, H.R. 3211, my airplane was delayed, and I was unavoidably detained. Had I been present, I would have voted "yes."

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1998

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3412, 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 Missouri (Mr. TALENT) to suspend the rules and pass the bill, H.R. 3412, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 24, as follows:

[Roll No. 66]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
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
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett

Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOT VOTING—24

Bass
Becerra
Cannon
Chenoweth
Coburn
Gonzalez
Harman
Herger
Hooley
Inglis
Jefferson
Manzullo
McDermott
Payne
Rangel
Royce
Schiff
Schumer
Smith (OR)
Spratt
Stark
Waters
Yates
Young (FL)

□ 1743

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.

CORRECTING A PROVISION RELATING TO TERMINATION OF BENEFITS FOR CONVICTED PERSONS

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 3096, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 23, as follows:

[Roll No. 67]

YEAS—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
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
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
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
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield

Wicker	Wolf	Wynn
Wise	Woolsey	Young (AK)

NOT VOTING—23

Armey	Hooley	Schiff
Barton	Inglis	Schumer
Berry	Jefferson	Spratt
Cannon	Manzullo	Stark
Chenoweth	McDermott	Waters
Gonzalez	Payne	Yates
Harman	Rangel	Young (FL)
Herger	Royce	

□ 1751

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CHENOWETH. Mr. Speaker, due to health reasons and doctor's orders, I missed rollcall votes 64 through 67.

Had I been here I would have voted: "Yea" on Roll Call 64, Approval of the Journal; "Yea" on Roll Call 65, H.R. 3211, Regarding Eligibility Requirements for Burial in Arlington National Cemetery; "Yea" on Roll Call 66, H.R. 3412, Small Business Investment Company Technical Corrections Act of 1998; and "Yea" on Roll Call 67, H.R. 3096, To Correct a Provision Relating to Termination of Benefits for Convicted Persons.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

COMMUNICATION FROM ADMINISTRATOR OF FIRST CONGRESSIONAL DISTRICT OF PENNSYLVANIA

The SPEAKER pro tempore laid before the House the following communication from Stanley V. White, Administrator of the First Congressional District of Pennsylvania:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 17, 1998.

Hon. NEWT GINGRICH,
Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursaunt to Rule L (50) of the Rules of the House that I have been served with a subpoena ad testificandum issued by the United States District Court for the Eastern District of Pennsylvania, in the case of *Raymond Wood* v. *David L. Cohen, et al.*, Case No. 96-3707.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

STANLEY V. WHITE,
Administrator.

APPOINTMENT OF MEMBER TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 801(b) of Public Law 100-696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission:

Mr. WALSH of New York.

There was no objection.

IMF SHOULD REEVALUATE LENDING POLICIES

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

Mr. SAXTON. Mr. Speaker, during the past several months, I have warned time and again that the International Monetary Fund's lending policies are counterproductive. That is because they lend at rates far below market rates. That practice, in and of itself, generates demand for even more low interest rate loans. That is called moral hazard.

Yesterday's Financial Times, published in the U.K., reported that European central bankers agree with my position. They attack the bailout practices of the IMF, and they say it will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. Hans Tietmeyer, president of the Bundesbank said, the multibillion dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless banking practices. The IMF should re-evaluate its policies, he said.

Mr. Speaker, I include the following for the RECORD:

[Monday, Mar. 23, 1998]

CRITICISM: EU BANKERS HIT AT IMF ON BAIL-OUTS

(By Wolfgang Müchau and Lionel Barber in York)

European Union central bankers have attacked the bail-out practices of the International Monetary Fund and will be putting forward proposals next month that would involve commercial banks at an earlier stage.

The criticism reflects concern about the IMF's handling of the Asia financial crisis. It also signals the EU's intention to raise its profile in international financial institutions as 11 European countries prepare to adopt a single currency next January.

The US has dominated the policy agenda of the IMF, even though EU countries have a larger combined shareholding.

Hans Tietmeyer, president of the Bundesbank, speaking after the informal meeting of EU economies and finance ministers at the weekend, said the multi-billion-dollar international rescue plans for Thailand, South Korea, Malaysia and Indonesia could encourage reckless bank lending.

"The IMF should re-evaluate its policies and should question itself on how far its policy generates moral hazard. The IMF should consider whether it is better to tackle problems with large sums of bail-out money or whether it might be better to involve private sector creditors at an earlier stage," he said.

Mr. Tietmeyer said he had drawn up proposals which he would present to the IMF's interim committee at its next meeting on April 16 in Washington.

He did not divulge details of the programme, but a key element is believed to include regular monitoring of private sector debt.

At the meeting, EU central bankers also discussed the possible dangers of electronic money to monetary policy under Emu. Smart cards with computer chips are becoming increasingly popular, but central bankers are worried because this is a form of money that operates outside the control of central banks.

The bankers are particularly concerned that the transition period between the launch of monetary union in January and the introduction of euro notes and coins in 2002 could encourage the use of electronic money.

Mr. Tietmeyer called on the European Commission to consider regulating the markets for electronic money and electronic banking, restricting its use only to established banks

NO TOLERANCE FOR HATE CRIMES

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

Mr. HILL. Mr. Speaker, one film which earned an Academy Award nomination for best picture more than 10 years ago featured Harrison Ford whose character went to the aid of an Amish family after they had become entangled in a brutal crime. The film, Witness, was fiction, but it taught us what we can learn from communities like the Amish. It is a sad fact, however, that these colonies are often the targets of scorn and ridicule.

In my home State of Montana there are similar religious-based colonies known as Hutterites. What has happened to one of them in recent weeks is outrageous.

The FBI has been asked to investigate a fire which was deliberately set in the timber supply of a new Hutterite colony in Montana. Damage is estimated at $100,000.

There have been other attempts to harass colony members, which is equally disturbing.

Mr. Speaker, Montanans will not stand for these sorts of hate crimes. We welcome people of all religious backgrounds with open arms, and I urge Federal officials to use all means at their disposal to assure the safety and the welfare of these citizens. It is the very least we can do.

Mr. Speaker, I include the following for the RECORD:

[From the Billings Gazette, Mar. 23, 1998]

FBI ASKED TO INVESTIGATE HUTTERITE FIRE

BLAZE DELIBERATELY SET, FIRE OFFICIALS SAY; HUMAN RIGHTS GROUPS DESCRIBE INCIDENT AS HATE CRIME

Ledger (AP)—Fire officials say a blaze in a lumber shed at a fledgling Hutterite colony in north-central Montana was arson, and it may be a hate crime aimed at the religious sect.

The fire two weeks ago charred lumber intended to build housing at the new Camrose Colony, near Ledger in southeastern Toole County. Investigators say the fire was clearly arson.

The fire took 13 hours and 38,000 gallons of water to extinguish. Damage was estimated at about $100,000.

Toole County Sheriff Vern Anderson said the fire appeared to be an attempt to intimidate colony members, who have bought several farms in the area within the past few weeks.

"It appears that we've got somebody disgruntled that the colony people have purchased that property," Anderson said. But he shied from describing the fire as a hate crime.

"Those are some of the words that are floating around here," Anderson said: "It's hard for me to say."

The Montana Human Rights Network is less reticent.

"It's got a lot of the classic elements of a hate crime," said Christine Kaufmann. The network's research director, "A group that is different in some way is singled out in the community. It seams to be clearly an effort to prevent them from establishing a colony in the area."

The fires and a spate of vandalism, including damage to vehicles and grain bins, have left colony members shaken.

"We just took it over about three weeks ago," said Joe Waldner, a spokesman for the East End Colony near Havre, which is splitting and establishing Camrose.

The Havre-area colony acquired several area farms, about 8,500 acres, south of the Marias River. The plan is to grow grain and raise livestock "a few cattle, a few hogs and some chickens," Waldner said.

The value of the building materials lost in the fire totaled about $70,000. Waldner says the damage to the building itself probably tops $30,000.

The loss will slow building at Camrose, but it won't alter the long-range plan.

"We are just going to keep on going," Waldner said, "We hope the police catch the guy who did this."

So do a number of neighbors.

"I don't like what happened up here," said Karl Ratzburg, whose property adjoins the colony. "I hope they find these people and prosecute them for what they did."

The sheriff said his deputies continue to check leads on the arson, and he notified the FBI of the incident. The FBI declined comment on any involvement on its part.

Kaufmann, the network's research director, has written the FBI and U.S. Attorney Sherry Matteucci asking the agency to actively investigate the colony fires.

Margie MacDonald, executive director of the Montana Association of Churches, said she hoped residents in the area will rally behind the colony.

"We are real concerned about the magnitude of violence up there." MacDonald said, "Arson of any sort is pretty appalling."

MacDonald said she hopes area pastors will work to develop a community response to the colony crimes, which seem to be rooted in religious intolerance. Pastors were a key part of the strong backlash against hate crimes that targeted Jewish families in Billings in 1993, she noted.

"What we hope to see is some strong community response." MacDonald said. "People really can't be silent when something like this happens."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). 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.

WASTED MONEY ON IRRELEVANT INVESTIGATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, tomorrow the Committee on House Oversight is expected to give $1.3 million to the House Committee on the Judiciary for an enlarged congressional staff to investigate President Clinton. The American people are tired of this waste, and so am I, and this is from a leadership that promised to trim congressional staffs.

□ 1800

Now, what is amazing to me is the exchange between the chairman, the gentleman from Illinois (Mr. HENRY HYDE), myself, and the gentleman from Massachusetts (Mr. FRANK) only 1½ hours ago in the Committee on the Judiciary, when I explained that I thought we needed no more wasted dollars and harassment of the President.

The chairman of this committee, in session, sought to reassure me that the monies would be used for harmless oversight of the Department of Justice and for the noncontroversial reauthorization of the Department. It is on the record in the committee. This is in direct contradiction to the written statement yesterday of the gentleman from Illinois (Mr. HYDE) in a letter that has come to my attention that he has sent to the gentleman from California (Mr. THOMAS), chairman of the Committee of House Oversight, to justify this new windfall by saying that new investigators were needed to recycle and duplicate nearly every independent counsel investigation into the Clinton administration, from fundraising to allegations at the Department of Energy and the Department of the Interior. These matters have already been overinvestigated, but they directly contradict the purpose for which these funds are being authorized by the committee.

I have never received a letter about this in my career. This is a unilateral Republican action to which I take total exception. There has been stealth in correspondence, there have been internal contradictions. But I must now come to the House and report that the Republican leadership is planning to surreptitiously commence to staff for an impeachment investigation without any notice to the Congress, to the Democrats on the Committee on the Judiciary, or to the American people, without a vote from the House of Representatives.

I urge the gentleman from Georgia (Speaker GINGRICH), with all respect, to rethink this dangerous, radical political strategy. It is outrageous that we are being told publicly one thing by the gentleman from Illinois (Chairman HYDE) when his letter to his own leadership is saying something else entirely different: More money to investigate the President.

Why can the majority not just admit it, rather than hiding under these cloaks and misstatements. Members of the House will get no opportunity to vote on this massive increase of funds. When I explained that the Speaker agreed with this request in a cover letter, the gentleman from Illinois (Mr. HYDE) asked that he not be saddled with the Speaker's words.

So today, Mr. Speaker, I will release to the press the words of the gentleman from Illinois (Chairman HYDE) justifying this new congressional surplus of money and staff and resources, and let the American people judge for themselves.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts, the ranking subcommittee chairman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking member, and I think he is performing a very important service.

I know as the second ranking minority member that neither he, I, nor any other Members have been consulted. We have read a lot in the paper about what the Committee on the Judiciary was going to do, what it would not be allowed to do, how it was going to be bypassed.

To have this funding request come forward, it is over a $1 million, some of which would be presumably assigned the minority, with no consultation is a problem. And the problem is compounded because the chairman of the committee did say there would be consultation, but the consultation he discussed was on a subject that appears to be different.

CONFUSION SURROUNDING REQUEST OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, the point is that the justification that the chairman mentioned, the

consultations that have been held with staff of the minority and the majority, apparently are irrelevant to the request tomorrow.

So I would hope, and I would think the ranking minority member would agree with me, that we could get the Committee on House Oversight to hold off voting this kind of money until there could be a public hearing.

There appears to be a fundamental confusion, at best, about $1.3 million. Is it money that is to redo the investigation of the independent counsel? Is it money to check up on whether the Attorney General has appropriately dealt with the independent counsel? Or is it for the reauthorization of the Justice Department?

What the chairman told us today was one justification, but the letter that he and the gentleman from Georgia (Speaker GINGRICH) sent to the chairman of the committee is entirely about something else. We ought not to have $1,300,000 so casually used.

We also ought to stop what appears to be a two-track operation in which the ranking minority member is told one thing about the operation of the Committee on the Judiciary when other conversations are going on. There is a partisan tinge to this which is inappropriate when dealing with the most significant things we can deal with.

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

Mr. CONYERS. Mr. Speaker, here is what the justification submitted to the Committee on House Oversight said: "The Committee on the Judiciary contemplates an investigation of the Department of Justice's investigation, with an emphasis on the need for an independent counsel."

They go on to point out that the 17 Republican members have written a letter to the Attorney General and that their plans include the following: The Department of Justice Public Integrity Section and Campaign Fundraising Task Force has been plagued with conflicts of interest, et cetera. In the Chippewa casino matter the Department of Justice is acting as the criminal prosecutor.

Further on, the fundraising investigations, the last time the Committee on the Judiciary sought an appointment of an independent counsel was on the Health Care Task Force.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would allow me, as he is making clear from reading this, nothing in here deals with the ongoing responsibilities of the Department of Justice, which was the stated purpose for this funding from the chairman. Maybe the chairman thinks it is for one thing and the Speaker is, to use his phrase, saddling him with another purpose.

There ought to be a public hearing. I would think the ranking minority member ought to have a chance to go before the committee and talk about that money, whether it is needed, what it ought to be used for.

Mr. CONYERS. Mr. Speaker, I would say to my friend, the gentleman from Massachusetts, if anybody in this House thinks that any serious investigation of the White House or this administration can begin on a partisan basis, as this is appearing to be, I think they are dooming it to a total failure. The notion that anything remotely resembling impeachment activity be sent to any committee other than the Committee on the Judiciary is a clear signal that something is wrong.

Mr. FRANK of Massachusetts. I would ask the ranking minority member, has there been any conversation on the part of any member of the majority, from the Committee on the Judiciary or elsewhere, with the gentleman dealing with how we might respond to Independent Counsel Starr?

Mr. CONYERS. No. Not only has that not happened, but I have been assured repeatedly, and I am sorry to have to put this into the RECORD now, that I would be kept abreast of all developments connected with this, because I have repeatedly been hearing in the media what they were trying to do. As a matter of fact, a January letter requesting this money was brought to me by a member of the press when I told them I had never seen it before. This document I did not see until after the hearing of the full Committee on the Judiciary late this afternoon.

So it is with some sadness that I make public that the agreement that I thought that I was entering into has been shattered. Perhaps it can be replaced. But I want the entire Congress to know that these unilateral Republican shenanigans, whether they come from the Speaker or from the chairman of the Committee on the Judiciary, work an extreme disservice on the processes that are within the jurisdiction of the Committee on the Judiciary in the House.

THE TAXPAYER BILL OF RIGHTS III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to bring to the attention of my colleagues the importance now of the passing of the Taxpayer Bill of Rights III. We know that it was not that long ago the Senate Finance Committee had hearings wherein IRS agents, presently working for the agency, as well as taxpayers, came forward to talk about the problems of abuse, the problems of mom and pop stores being levied with fines and with penalties for violations that had not occurred, but they had paid them, nonetheless, out of fear of the agency going after them, and yet these people do not have attorneys or CPAs to help them.

My Taxpayer Bill of Rights legislation, which has enjoyed bipartisan support, is, frankly, a bill that is going to move forward in this respect to change the burden of proof to make sure that taxpayers will now be presumed innocent, and the Commissioner of the IRS will have the burden of proving otherwise, instead of the reverse, the way it is now.

It also will say, no more quotas for IRS investigations, no more quotas for IRS audits, no more fishing expeditions where taxpayers live in fear of the IRS, no more random audits, and, more importantly than the ones I have already mentioned, the fifth provision of the bill says that, in fact, if the IRS is overreaching or causes a legal business or individual loss in an unfair way to any constituent, then they would be responsible for reimbursing that taxpayer.

Moreover, there would be whistleblower protection. If in fact an individual comes forward to talk about an IRS violation by an agency employee or the agency itself, then they will not be audited just out of retribution. Moreover, the bill calls for mediators to be provided in case someone wants to settle a claim.

These are all commonsense provisions to make the IRS more taxpayer-friendly. We know very well that the employees of the agency work very hard to do a good job, but the burden of proof and other items within the tax code and within the tax system have made it difficult to have anything but an adversarial relationship between the IRS employees and the taxpayers they are supposed to work for.

The fact is out of 100,000 tax employees that the IRS has, there are only 43 taxpayer advocates. That is certainly an imbalance there, Mr. Speaker, that we need to correct. I know that working with our Senate colleagues in a bipartisan fashion, we can make the IRS an agency that will be fair to the public while still making sure that taxes are collected, but in a fair and responsible way that will make sure that the American taxpayer will not be violated in any way, shape, or form.

TRIBUTE TO GIRLS' BASKETBALL COACH DOROTHY GATERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the celebration of Women's History Month, I am reminded of the fact that it takes great teachers to make great schools.

I rise today to recognize one of the great female coaches of girl basketball of all time, Coach Dorothy Gaters.

Coach Gaters coaches the Lady Commandoes, a Marshall High School girls basketball team on the West Side of Chicago, located in the Seventh Congressional District.

Dorothy Gaters graduated from Marshall High School in 1964, and went on to attend DePaul University, where she graduated with a Bachelor's Degree in 1968. She received her Master's Degree from Governor State University and began teaching at Marshall High School in 1969.

Coach Gaters has not rewritten but has simply written the record book when it comes to girls' basketball in the State of Illinois. Coach Gaters has been coaching in the Chicago Public League at Marshall High School since 1976.

During this time, she has won six State titles, three State runner-ups, three third places, and three fourth places in State tournaments. She currently holds eight State records: 17 tournament appearances, 15 AA tournaments, nine title game appearances, 13 class AA consecutive tournament appearances, and three consecutive title game appearances, to name a few. In 22 years, Coach Gaters has a record of 619 wins. No other coach in Illinois has even 500 victories in girls' basketball.

□ 1815

No other coach has been in as many State tournament final games as her nine, or won as many titles as her six. Her team has played more games, won more games, and even lost more games in the Elite Eight than anyone else's in girl's basketball history. Of the 14 girl tournament coaching records, Coach Gaters owns 10 of them outright and is tied with Teutopolis's Dennis Koester two other categories.

Before girls basketball was sanctioned by the Illinois High School Association, Coach Gaters was there from the beginning when young women who loved the game could compete only in clubs and intramural contests. She and her teams grew with the sport and today it is as fully recognized as any boys' sport, with its own State championship. And all along, the Lady Commandos were role models of excellence and perseverance and an inspiration to all the other teams.

Coach Gaters' response to all the numbers and all the fawning is consistent with her straightforward approach in coaching: "It says I have been around a long time. I care about it because it will be a victory, not necessarily because it is number 597. I have never really been one to count the games."

Mr. Speaker, we both know that the Illinois High School Association counts, and it listed the Marshall coach with 597 victories against 70 losses entering this, her 23rd season as coach. That was then. Today it is 619 wins to 70 losses. And according to the national high school statistics, Coach Gaters ranks among the top 20 coaches of all time in number of victories. She was inducted into the Illinois Basketball Coaches Association Hall of Fame in 1996, and while her basketball team is nothing short of amazing, they have also succeeded academically. Ninety-five percent of the players who started with Coach Gaters went to colleges and/or universities. Over three fourths of them have graduated. Several of Coach Gaters' former players are now coaches at various institutions. Marie Christian coaches at California-Berkeley; Kimberly McQuarter at Chicago State University; Trinette Wright is an assistant coach at Chicago State University; and Jennifer Jones coaches at Manley High School.

Other players went on to play in the Women's National Basketball Association. Kim Williams plays for the Utah STARZZ; Toni Foster is with the Phoenix-MERCURY; and Janet Harris plays for the Charlotte STING.

Mr. Speaker, I congratulate Coach Dorothy Gaters and the Lady Commandos of Marshall High School who have demonstrated that academic excellence coupled with athletic prowess is the order of the day.

CONGRESS MUST FACE UP TO SERIOUS PROBLEMS IN SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this last Saturday, the Pew Foundation, responding to the President's comments in the State of the Nation address, had a forum where 10 cities in the United States were linked together in interactive television. In each one of those cities there were 10 tables. At each table there were 10 participants talking about the problems of Social Security and what we might do with Social Security.

One thing that came from almost all the cities was that we should stop using the Social Security trust fund money to mask the deficit and that we should stop using, taking that money, and in return giving nonmarketable IOUs.

One point I made on Friday night, the Pew Foundation called me and said that they understood the President had requested time and asked if I would like to also have 12 minutes of time making my comments as far as the situation with Social Security. The first thing I said was my concern about using Social Security trust fund money to really mask the deficit.

Mr. Speaker, I suggested that we really did not have a surplus in this country and that only because this current year we are borrowing about $85 billion from the Social Security trust fund, next year we are going to be borrowing closer to $100 billion from the Social Security trust fund, that borrowing is what is allowing us to say that we have a balanced budget.

I think it is very important that we stop, in effect, hoodwinking the American people. Even though it is nice to brag about a balanced budget, the fact is that the only reason we are pretending the budget is balanced is because we are borrowing all of this money from the Social Security trust fund.

I told the people, I was at Cobo Hall in Detroit in Michigan, and I suggested that there has got to be several guidelines as we proceed in making sure that Social Security stays solvent. Number one, that it be bipartisan. Number two, that all possible solutions be kept on the table. Number three, that we do not reduce the benefits for existing retirees or near retirees. Number four, that we have some kind of a system where our kids and our grandkids and their kids and grandkids can expect retirement accounts that are going to last them through what is expected to be an even longer life span, and that we have a system that is fair and equitable. That we not privatize the system, but rather that we have a system that allows forced savings and investments in accounts that are owned by the individual workers that can accrue dividends throughout their working lifetime.

I pointed out an interesting fact from what has been suggested by the Tax Foundation, and that relates to the fact that there is unlikely to be a positive return on the money that is paid into Social Security by the employee and the employer. They estimate that anybody that retires after the year 2000 will have a return of between a negative one-half percent and a negative 1½ percent. Another way of saying the serious dilemma of Social Security is that if a worker retires after the year of 2015, then they are going to have to live 26 years after they retire in order to break even and just get back the money they and their employer put in.

Part of the problem is that when we started Social Security as a pay-as-you-go program where existing workers pay in their tax to pay for the benefits of existing retirees, the average age of death in this country in 1935 was 61 years old. That meant most people never lived long enough to collect anything from Social Security, but simply paid in their money.

Now the average age of death is 74 years old for a male and 76 years old for a female. But if Americans are, I will say, lucky enough to live to retirement age, age 65, then on the average they are going to live another 20 years. At the same time, we have more people living longer, we are seeing a larger

population that are retired because of the decline in the birth rate after the baby boomers of World War II, and we have a smaller and smaller number of people working.

In 1942 we had 40 people working, paying in Social Security tax for each retiree. By 1950 it got down to 17 people. Today guess what it is. Today, Mr. Speaker, it is three people working, paying in their tax for each retiree, and what has happened is that we keep increasing the Social Security tax on that fewer number of workers.

Since 1971 we have increased the Social Security tax 36 times. More often than once a year, we have increased the rate or the base.

Mr. Speaker, in concluding, I suggest that we face up to the very serious problem that is facing us, both in Social Security, in Medicare, and that we not continue to put off the solutions but start talking about the best possible ways to do it, and we do it as quickly as possible.

URGING THE FEDERAL RESERVE TO LOWER INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, on Tuesday of next week, March 31, the Federal Open Market Committee of the Federal Reserve Board will meet. This is a critically important meeting, for out of this meeting the FOMC will recommend short-term interest rates for the foreseeable future.

There are urgings coming to the Federal Reserve now from monetarists that watch the Federal Reserve Board, and those urgings are that the Federal Reserve should increase interest rates. If they do so, that would be a very serious mistake. It would be a serious mistake if these times were ordinary or normal. But, in fact, they are not ordinary nor normal, for we are beginning to experience the profound negative economic consequences of the financial crisis that is sweeping across east Asia. I say we are "beginning" to feel those effects, and we will continue to feel them and the full brunt of those effects will not express themselves on our economy until some time later this year, perhaps within the next 6 months to a year.

The effect of the downturn result from this financial crisis in east Asia is going to be to suppress prices, and it is estimated that it will cost us substantially in terms of our own economic growth.

Our economic growth rate now, which is in excess of 3 percent, could fall by more than 2 percentage points. In other words, we could be experiencing economic growth of only 1 percent or, at worst, our economic growth could fall into the negative range.

We can begin now to buttress our economy from the negative effects of the financial crisis sweeping across east Asia if we act now. One of the ways, one of the most important ways that we can act is for the Federal Reserve now to lower interest rates. Interest rates at this particular moment are high by historical standards, high in real terms; in other words, high in terms of inflation. The inflationary rate currently in our economy is essentially zero. We are experiencing virtually no inflation whatsoever. Nevertheless, real interest rates are abnormally high in that particular context.

Mr. Speaker, people will remember that in 1994 and 1995, the Federal Reserve raised interest rates six times during that period. Back then, that was a mistake and it cost us in terms of our economic growth. We would have recovered from the recession more fully and more quickly if the Federal Reserve had not raised those interest rates. But they did so. And those raised interest rates now stand.

Mr. Speaker, we have interest rates today that are higher than they ought to be, and the Federal Reserve should lower them. They should lower them in any case, but particularly they should lower them in light of the fact that we are going to feel these profound consequences from the economic crisis sweeping across east Asia.

What are those profound consequences? They will be, as I have indicated, a substantial loss in the rate of our economic growth. They will have the effect of depressing prices for goods manufactured in the United States. They will increase our trade deficit.

Mr. Speaker, the trade deficit in goods alone is already increasing markedly, one might say dramatically. The trade deficit, for example in January in goods alone, was $18.8 billion. That is a record for a single month. We have never had a trade deficit for goods alone as high as $18.8 billion ever before. That is up by more than a billion dollars from $17.7 billion in December of last year. So we see already that the trade deficit in goods is going up and going up substantially.

As that trade deficit goes up, as the full effect of the overproduction in East Asia comes into our market, the price of our goods is going to drop. That is going to cost us jobs. It is estimated that the cost in jobs could be as much as 1 million. We could lose as many as 1 million jobs in our economy as a result of the financial crisis in east Asia if we fail to act.

One of the most important ways available to us to act to head off this substantial loss in economic growth, the substantial increase in the trade deficit, and the substantial loss in jobs is through our monetary policy. The Federal Open Market Committee has the ability to control monetary policy, and they can lower interest rates next Tuesday when they meet.

I am now circulating a letter to the Members of the House asking them to join me in this letter to the Chairman of the Federal Reserve Board, Alan Greenspan, asking him to exert his influence in the Federal Reserve and in the Federal Reserve Open Market Committee to lower interest rates. It is critical that we do so in order to head off the dire consequences of this economic crisis.

□ 1830

H–1B PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KLINK) is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, several years ago when we were debating on the floor of this House the North American Free Trade Agreement, we were being told by those who were proponents of that agreement that we would lose some low-skill, low-income jobs in this country, but that as we move from an industrial society more toward an information technology society, those people who lost those jobs would receive training, would receive opportunities in jobs that would pay more money in those information technologies.

Well, lo and behold, we have moved to information technologies and now the Information Technology Association of America said we are growing so fast we cannot fill these jobs. And so, under a very little-known program, little known by most legislators and few Americans, it is called the H–1B Program, they now want to import foreign workers into our country to take those jobs.

I simply ask, Mr. Speaker, what kind of jobs are we supposed to give those displaced Americans who have lost their jobs? What jobs are we supposed to give to those kids who are coming out of college, out of high school, out of career training right now if we are importing workers to take the jobs that are being created in this Nation?

Now, there is a flaw, of course, in this rationale. Even the GAO in a report that they released yesterday said that the Department of Commerce, in agreeing with the industry, and the industry in releasing their information, used flawed data. There is not, apparently, according to many of us, the severe shortage that cannot be filled by retraining Americans and by training Americans to take those jobs.

First of all, let me tell my colleagues, there is no universally accepted definition of what is an information technology worker. There also is no universal definition as to what training is required for those jobs. And, so, the industry in standing up and crying "wolf" and crying, like Chicken Little, that "the sky has fallen," that they

have got these millions of jobs that they cannot fill, defined very broadly what is an information technology worker and very narrowly what kind of training would be required to fill those jobs. They seem to require right now that if you do not have a Bachelor's degree in computer science or information science you cannot fill those jobs.

Well, that is crazy. Because in 1993, only 25 percent of the workers across this Nation who were working in information technology actually had a BA in computer or in information science. Many of the other workers had degrees, but they had degrees in business, in social science, in math, engineering, psychology, economics, education. They were smart people. They had training and could be retrained to take these jobs in what is a burgeoning industry.

We project between 1996 and the year 2006 we will need 1.3 million workers in information technology; 1.1 million of those workers will be needed because of the growth alone. The wages for information technology workers are increasing, but they are increasing only because the market calls for an increase, and they are increasing no more than the wages for the general public.

Now the ITAA, this Information Technology Association of America that wants to use this little-known program now to import workers to this country to take these new jobs in a growth industry, sent out a sampling to 2,000 industries. Only 14 percent of those industries responded, and on that 14-percent response, they are basing their request to import workers into this country to take those jobs.

Mr. Speaker, it would take a 75-percent response to make a credible extrapolation on a nationwide basis, a nationwide generalization as to how many workers we need and where they have to come from.

Let me tell my colleagues about this program, the origination of the H–1B program. This was established in 1990 to alleviate an anticipated shortage of scientists and engineers, particularly at a Ph.D. level. But by the time this program was in place, the Berlin Wall had fallen, there was an economic downturn, we had gone into a recession, downsizing was rampant in defense and other industries, and we really never needed the program. The people that were proponents of this program were primarily the National Science Foundation and some industry groups.

But the information technology companies have gotten smart. They said, here is a program, we can import workers; and in fact they become indentured servants. We own them. If they complain about the work hours, if they complain about the salary, if they complain about the benefits, we will send them back to the country they came from. And what has happened is, we have seen tremendous numbers of layoffs of American workers while these foreign workers have been brought into this country. This needs to be looked at.

And I would ask, Mr. Speaker, that other Members of this House would look at this program and we can stand up for American workers and get training and retraining for our workers for these jobs.

INFORMATION TECHNOLOGY PARTNERSHIP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I think my colleague has pointed out a problem, and I think there is at least one other.

There are 346,000 unfilled information technology jobs nationwide. And one of the problems is that the results of the Third International Mathematics and Science Study, called the TIMSS, shows that American high school seniors rank near the bottom in math and science education when compared to their international counterparts.

I am attempting to find a solution, so I have introduced House Resolution 3496 that was heard in committee today, the Information Technology Partnership Act, which creates an additional grant program through the National Science Foundation and the Urban Systemic Initiative Program. The Urban Systemic Initiative Program focuses primarily on math and science by using mentor teachers to help educators introduce an innovative and engaging math and science curriculum to K through 12 students in the inner city.

The IT Partnership, that is, the information technology partnership grant is aimed at improving scientific and mathematical literacy of all students in urban communities while fostering a student's career in the information technology field. This partnership consists of local education agencies and local businesses investing in the educational development of the youth in their districts. Specialized curricula and scholarships would assist students in filling future information technology jobs.

My district is driven by technology; and so we see firsthand not having enough people trained in this country. And, yes, people are being brought in and information is being developed outside this country, but not because of trade and not because of avoiding any other type of barrier. It is simply because we do not have them available right now.

So specifically, the IT Partnership Grant focuses on math and science curricula for students in grades 10 through 12 and offers internships and scholarship opportunity for students majoring in fields relating to information technology. Under this program, eligibility for the IT Partnership Grant is limited to the cities with the largest number of school age children, ages 5 to 17, living in economic poverty as determined by the 1990 census.

The following cities are eligible for this grant: Atlanta; Baltimore; Bayamo; Boston; Chicago; Cincinnati; Cleveland; Columbus, Ohio; Dallas, Texas; Detroit; El Paso; Fresno; Houston; Indianapolis; Jacksonville; Los Angeles; Memphis; Miami; Milwaukee; New Orleans; New York City; Phoenix; Philadelphia; Ponce; San Antonio; San Diego; San Juan; and St. Louis.

The grant awards five local education agencies $300,000 to develop math, science, and technology curricula for grades 10 through 12 and to train teachers in technology. That is a problem we have throughout this Nation.

In order for the local education agencies to win this grant, they must enter into a partnership with businesses in their community. These businesses would commit to provide to the local education agencies a minimum of at least internships, scholarships, and mentoring programs and computer products. Local businesses would promise the local education agencies scholarship money, which would be awarded to high school seniors. You see, because these businesses have a stake, their future depends on having qualified people to do the job, and seniors who would be majoring in these fields associated with information technology, that is, math, computer science, and engineering at 2- and 4-year colleges. The partnership between the local education agencies and local business sponsors would determine the amount and the number of scholarships given.

It is important to note that the local education agencies will have direct responsibility for overseeing the program, and the National Science Foundation's role is limited to determining which 5 cities meet the criteria for eligibility. We would like to award them all, but are trying to think about staying in the budget even though we are not doing what we should for education if we are going to have a cutting-edge Nation in the future.

The National Science Foundation director will award the IT Partnership Grants to 5 cities with the best package of business sponsorship and curricular development. In addition, priority will be given to those local education agencies that grant scholarships to students who are first generation college students.

I hope, Mr. Speaker, that we can get up support for this legislation. Because there are companies, and I have many in my district, that are screaming out for these people to be qualified so they can give them jobs.

JIMMY HERMAN—WARRIOR FOR JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, sadly I rise to call to the attention of my colleagues the passing of a good friend of working people in America, Jimmy Herman.

Jimmy Herman is one of the most respected and beloved labor leaders in San Francisco history, and he died on Friday. He was the president emeritus of the International Longshoremen's and Warehousemen's Union.

Jimmy was known for his enormous compassion, commitment to workers' rights and social justice. His life was truly about justice. He was also an extraordinary orator who inspired thousands to take up the cause of workers' rights, justice for farm workers, peace in Vietnam, to name a few. His death marks the end of an historic era in the labor history of the San Francisco Bay area and our Nation.

Jimmy devoted his life to building a strong, democratic and multiracial trade union. Since the big strike of 1934, the ILWU has provided democratic and strong representation that gives voice, and that is "democratic" with a small "d", Mr. Speaker, to the aspirations of working people up and down the West Coast.

The ILWU broke down barriers denied members of minority groups by providing access to a decent standard of living. It also provided a powerful means for working men and women to make a contribution to the political and social fabrics of their communities.

Under the leadership of Harry Bridges, followed by Jim Herman, the ILWU faced head-on the great political challenges of our Nation, refusing in the 1930s to load scrap metal on ships bound for Japan or to unload cargo in ships bearing the Nazi swastika.

Jim Herman led his union in its efforts to oppose the apartheid regime in South Africa, leading his members in refusing to unload cargo sent from South Africa. Jim Herman had a social conscience that did not allow for rest or moral fatigue. His moral leadership played an important role in bringing about a negotiated end to the war in El Salvador.

In November 1989, Neighbor to Neighbor, a national grass-roots human rights organization based in San Francisco, launched a boycott of Salvadoran coffee to apply economic pressure on the Salvadoran Government and the coffee growers, many of whom had founded and funded the notorious death squads. The boycott was triggered by the murder of 6 Jesuit priests and the bombing of a Salvadoran trade union federation.

My chief of staff in San Francisco, Fred Ross, was the head of Neighbor to Neighbor at that time. So I was well aware of Jimmy's leadership and involvement. Under Jimmy's leadership, the ILWU strongly endorsed the coffee boycott. The members honored picket lines on the docks of San Francisco, Vancouver, B.C., Seattle, and gave the *Ciudad de Buenaventura* ship loaded with 43 tons of Salvadoran coffee a final rejection in Long Beach, forcing it to sail back to El Salvador with its coffee in its hold.

□ 1845

The ILWU effectively sealed off the West Coast from shipments of Salvadoran coffee over the next 2 years.

Another cause that Jim Herman championed was that of the farm workers led by Cesar Chavez. He was one of the first labor leaders to go to Delano to join the farm workers on the picket line. Later in his life he was a mentor to people at Delancey Street Foundation in San Francisco.

I will submit for the RECORD some of the particulars of his background which is an extraordinary one.

On this Earth, God's work for the poor, the disenfranchised for peace and social justice was done with love and compassion by Jim Herman throughout his lifetime. He was truly a warrior for justice.

My heartfelt sympathies go out to his two brothers, Rodman Herman and Milton Herman. On a very personal note, I along with the gentlewoman from California (Ms. ESHOO), the gentleman from California (Mr. MILLER) and many other members of the California delegation have lost a friend, a person who loved life, loved politics and all of the art of the impossibilities. Jim Herman's passion for life was matched only by his rage for justice.

He is now our shining star, the one with the twinkle of merriment for all to see as night draws near, the twinkle that we will miss in his eye forever. We will miss you, our dear Jimmy, our sweet friend.

Born in Newark, NJ on August 21, 1924, son of a school janitor, Jim Herman went to sea in the early months of World War II. Sailing was a tough, lonely business, ". . . But it provided the opportunity to read everything in reach, and to talk with people who had seen it all," Jimmy once remarked.

As a 16-year-old in 1942 he served on a freighter backing up the invasion of North Africa. After the war he was a steward on the *Lurline* during its majestic cruises between San Francisco and Honolulu. In 1949 he led a walkout that forced the *Lurline* empty and silent for 6 months in solidarity with an ILWU strike in the massive sugar cane fields of Hawaii.

In 1953, he joined Warehouse Local 6 in San Francisco. In 1956 he moved to Ship Clerk's Local 34, where he was elected vice president in 1960 and president 1 year later. He was re-elected every 2 years thereafter, until his election to the presidency of the ILWU in 1977.

His leadership was characterized by the continuation of the rank and file style of the leadership which had characterized the ILWU during Bridges' years. Under Jim Herman's leadership, through five sets of negotiations, the daily wage of longshoremen more than doubled, and the maximum monthly pension benefit tripled.

In 1988, he steered the ILWU toward affiliation with the AFL–CIO, ending a long chapter of exclusion which had benefited neither the ILWU nor the Nation's labor movement. Throughout his presidency he was the ILWU's ambassador, building and strengthening the union's relationships with maritime and other unions, and within the larger community. Most of all, he kept the ILWU—with its broad and complex jurisdiction in the maritime industry, tourism, warehouse and distribution, manufacturing and processsing—strong and viable in extraordinarily difficult times.

The labor movement was his family. "The labor movement offered me a chance to be part of history, not just a passive observer," he has said. "I'll never be able to repay that debt." It's not for lack of effort. Take Jim Herman's mentorship with the young men and women putting their lives back together at Delancey Street. "He makes me cry," says Mimi Silbert, president of the drug and alcohol rehabilitation program. "Two of three times a week he drops by to have coffee with the residents, talking, getting them interested in the world outside themselves, strengthening their faith in themselves."

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). 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 I returned from the Balkans along with the gentleman from Virginia (Mr. MORAN) and the gentlewoman from New York (Mrs. KELLY). We had hoped to go into a region called Kosovo to monitor elections that were being held this past Sunday by the Albanians in the region of Kosovo who make up 90 percent, 2 million people, 90 percent of Kosovo, but have no political, economic or human rights whatsoever.

I have been to Kosovo a number of times, and I can tell my colleagues the people, they are truly a people under oppression. We have witnessed during the past few weeks, Mr. Speaker, the wanton killings of men, women and children by the Serbian police forces going into villages and slaughtering people. It reminds us of what happened in Bosnia early on. If the West, particularly the United States, does not take strong action early on, we will wind up with another Bosnia in Kosovo.

Kosovo again are people, Albanians, 90 percent ethnic Albanians, they have no rights, they have no political rights, they have no economic rights, unemployment is high, they cannot teach in

the Albanian language. They are constantly oppressed, harassed, beaten and murdered. This Sunday they conducted their own elections. The Albanian leadership conducted their elections. Dr. Ibrahim Rugova was reelected as the president. They elected a parliament. This parliament and Dr. Rugova had been elected 6 years ago but the parliament had never been allowed to meet under threat of jail or exile.

We had hoped to go there, but we were stopped at the border. First, we were denied visas here in Washington and then we were denied visas when we flew to Macedonia; in Skopje we could not get visas. We went to the border and we were stopped by the Serbian guards, who told us we could not get in.

It is unprecedented that three Members of this Congress would be barred from visiting another country. This is the first time that I have been barred and the first time I have heard of Members of Congress being barred. But again it shows the arrogance of the leadership of the Serbian government, particularly President Milosevic, who has done the kind of atrocities in Europe that makes one remember the Nazi era, with the ethnic cleansing and the genocide being perpetrated first on the Bosnian Muslims, now on the Albanians, a constant pattern of harassment and killings and intimidation of the Albanians.

The people of Kosovo I believe have the right to self-determination, the same self-determination we would want for ourselves or for all free peoples around the world. They have the absolute right to determine their destiny. They have the absolute right to determine their political future if they want to be an independent republic.

I personally, this Congressman support them, and if they want to do whatever they want to do as a free people, they have the right to do so. The United States must very strongly stand with them. This House last week passed a resolution sponsored by the gentleman from New York (Mr. GILMAN) and myself and lots of other people calling on the Serbs to end their oppression, condemning the Serbian oppression against the Albanian majority in Kosovo. The contact group is meeting tomorrow. Under the able leadership of Ambassador Gelbard and Secretary of State Albright they will be pushing for further sanctions on the Serbian regime. They have to understand that the people of Kosovo need to be free, the people of Kosovo will not tolerate and the people of the world will not tolerate the wanton slaughter of innocent men, women and children.

They went into villages and just killed people. This is unheard of. We will not stand by and allow genocide and ethnic cleansing to continue. The gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. MORAN) and myself all took very, very strong stands. It was outrageous that we were not allowed to go into the border. We can only say that the Serbian leader must be hiding something because he does not want us to know the truth.

To add insult to injury, while we were not allowed to go to the border, Mr. Milosevic's forces jailed six Americans on trumped-up phony charges, jailed them and put them in prison. Thankfully, those prisoners were finally released yesterday after our State Department intervened, after the three of us made very strong statements urging their release, and they are here in Washington and we are going to meet them in a little while to have dinner with them, and tomorrow morning we are calling a press conference to let the world know what we saw and the brutality that Milosevic is putting onto the Albanian people. We are going to have these Americans who were imprisoned against their will join us at the press conference.

I would like to now yield to either one of my colleagues if they would like to comment. We are going to spend the next 15 minutes talking and comparing notes and letting the American people know precisely what is happening.

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I too just returned from the Republic of Macedonia, where I participated in this 14-member bipartisan congressional mission to Kosovo, invited to observe presidential and parliamentary elections in the Republic of Kosovo. We also sought to learn the facts surrounding the brutal repression currently taking place in Kosovo by the Serbs. Our mission was simply to observe and bear witness to the happenings in this troubled part of the world.

Unfortunately, the Serbian leader, Slobodan Milosevic, denied our entry into Kosovo. Let us be clear. We worked very diligently in advance of this trip to ensure that we would receive our visas to enter Kosovo. We contacted the Yugoslav embassy in Washington well in advance of our trip. We submitted our visa applications and generally provided whatever information was needed to support this important trip.

We waited several days for a response to our request and called the embassy on a daily basis to inquire into the status of our request. The answer always came back the same, "We are considering it. We'll get back to you." With still no answer, our delegation made the decision to proceed with the hope that we would be granted visas. Unfortunately, we arrived in Macedonia, which borders Kosovo, to the disappointing news that our request had been denied.

Why? Supposedly the reason given was the inadequacies of the information we provided in our visa applications to the Yugoslav government. Perhaps the true reason was that President Milosevic did not want us to see firsthand the brutal campaign of repression he has waged against the ethnic Albanian population of Kosovo.

Despite this denial, Mr. Speaker, we decided to make one last effort to cross the border. We assembled the delegation and made our way to the nearest border post separating Kosovo and Macedonia. The location was a remote one. It was extremely cold as we made our way on foot from the Macedonian checkpoint to the border of Kosovo. Unfortunately, the heavily armed border guards had no intention of allowing us to proceed.

A CNN camera crew which was already across the border in Kosovo was prevented from coming down to the border checkpoint to talk with us. We finally gave up, Mr. Speaker, and returned to the capital of Macedonia, where we established an election monitoring effort there. The election did take place despite repression and violence by Serb police and paramilitary units, and the people of Kosovo elected Ibrahim Rugova to another term as President.

Sadly, the Serbs consider this election an illegal one and continue to deny the people of Kosovo basic human rights, such as the right to choose their own elected leaders. Mr. Speaker, the people of Kosovo want nothing more than to simply live and work in peace, yet the Serbs time and again resort to violence and repression in an effort to maintain control over the former Yugoslav republics.

I want my colleagues in this institution as well as the American people to know of our experiences in simply seeking to observe an election and investigate human rights abuses. I want them to know of the violence that is taking place right now against the people of Kosovo.

I heard today that another half a dozen villages have been surrounded and there is heavy artillery up there around these new villages that have been surrounded. Many are dead, tens of thousands are homeless, and scores of towns are currently under siege by Serbian military units. Innocent civilians are without food and heat. It was recently reported that six ethnic Albanians died from starvation and cold.

I want the world to know of what is going on in Kosovo because we must not allow Kosovo to become another Bosnia. Yet that is exactly what could happen. Until now, the resistance in Kosovo has largely been peaceful and nonviolent. I hope and pray that it remains that way. My greatest fear is that the Serbian brutality and repression results in more armed resistance

in Kosovo which will lead to only greater violence and bloodshed.

We must not allow this to happen, Mr. Speaker. The world community can prevent this if it has the will to do so.

CONGRESSIONAL TRIP TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I joined the gentlewoman from New York (Mrs. KELLY) and the gentleman from New York (Mr. ENGEL) over the weekend. Our intent was to go to Kosovo because we were aware of the brutal violence that the Milosevic regime had imposed upon the Kosovo people. They went into villages and wiped out the village. The Interior Minister of Kosovo, who was acting under the orders of Mr. Milosevic, said that if there are even two terrorists opposed to our regime, we consider the entire village opposed and are justified in eliminating it.

They killed 87 people, innocent men, women, children. They lined them up. Many of them they only killed after torturing them. These people were not a threat. Virtually all of them were unarmed. They wiped them out because they were afraid that they might at some point pose a threat to their regime. Why would it be a threat? Kosovo is a country of 2.2 million people. About 2 million of them are Albanian Muslims. A little less than 10 percent of the population is Serbian. Many of those Serbs have been sent there by Mr. Milosevic, who is the head of the Serbian government, that now calls itself the Federal Republic of Yugoslavia, sent to populate Kosovo. Most of the Serbs there did not want to be there. Some of them had been driven out by Croatians, out of the Krajina region in Croatia, but the reality is that the vast majority of the Kosovo people want to have their own representation. They had a vote in 1991, overwhelmingly elected Mr. Ibrahim Rugova as the President. That presidency was not allowed to take effect, that government was not allowed to take effect. Mr. Milosevic took over control of the country. The way he maintains control over 90 percent of the population is through the most brutal repression, the same kind of brutality we saw in Bosnia.

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I can tell you one instance when I visited Kosovo earlier, there was a school that was fit for about a thousand students. Half of the school was reserved for a handful of Serbian children, the other half, a thousand Albanian Muslim children were consigned to. The government bricked over the bathrooms. One of the parents who had two daughters there complained about the conditions. That man had his body mutilated, was slit from head to toe and dumped on the doorstep of the family. That is the kind of brutality that enables a very small portion of the population, through a reign of terror, to control 90 percent of the population.

That is why we went there, in defense of human rights, of democracy and, in fact, of free enterprise because the Serbian regime out of Belgrade seized control of the private businesses. The majority of the population are not allowed to own their businesses. They seize the assets of the banks, they deprive people of the means of livelihood. You have an 85 percent unemployment rate in Kosovo. What you have is a landmine that is going to explode.

President Rugova believes in nonviolence. The six Americans who were imprisoned believe in nonviolence. In fact they were there to preach nonviolent conflict resolution, and yet they were arrested by the police under a phony charge that has never been used before, that they had not registered their exact location with the police. They had moved from one home to another, apparently, and so they had their heads shaved, they were sentenced to 10 days.

This is an untenable situation. It cannot continue in the way it is. We are going to have a press conference tomorrow. We will have a rally tomorrow. I hope that free peoples around the world will join in unison against these repressive tactics, restore independence to Kosovo.

THE MISUSE OF EXECUTIVE PRIVILEGE

The SPEAKER pro tempore (BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last week the President reportedly asserted executive privilege over conversations the President had with his longtime aid Bruce Lindsey as well as conversation the First Lady had with White House aide Sidney Blumenthal. This is the first time since President Richard Nixon, during Watergate, that a President has asserted executive privilege in a criminal proceeding. This stunning misuse of executive privilege is one of the White House's many delay tactics designed to drag out investigations.

As the New York Times editorialized this morning, Mr. Clinton's attempt to block grand jury testimony by two important White House aides, Bruce Lindsey and Sidney Blumenthal, is an alarming attempt to extend presidential power. Even former Clinton advisor George Stephanopoulos recognizes the absurdity of this claim of executive privilege when on This Week with David Brinkley he said, "They cannot win this fight on executive privilege. It has been tried before in the Whitewater case and eventually they turned over the documents." That was a quote from This Week on March 22, 1998.

The President initially raised executive privilege with the Committee on Government Reform and Oversight, my committee, in a deposition of Bruce Lindsey last fall. The President's White House counsel directed Bruce Lindsey not to answer questions regarding conversations Lindsey had with the President about campaign contributor James Riady.

When we challenged the White House on these claims, the President's counsel informed the committee last week that the President would not assert these claims over Mr. Lindsey's conversations. It is important to note that the committee could have held Mr. Lindsey in contempt for refusal to answer the questions if the committee determined that there was no basis for a valid claim of privilege.

The President's former White House counsel, Lloyd Cutler, wrote in a 1994 executive privilege memo, quote, "In circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice," the White House's practice, "it is our practice not to assert executive privilege either in judicial proceedings or in congressional investigations and hearings." End quote.

The President is not following his own order on executive privilege when it comes to the grand jury. Since these proceedings are all behind closed doors, the White House raises frivolous arguments to delay the proceedings. In the light of day with Congress the White House has backed down.

Executive privilege is supposed to be used only rarely when national security would be significantly impaired, conduct of foreign relations would be impacted, or the performance of the President's constitutional duties would be impacted.

This is not Bosnia, this is not the Middle East. These are scandals about possible personal wrongdoing by government and political officials. It has been White House policy since the Kennedy administration not to invoke executive privilege when allegations of wrongdoing are at issue. In contrast to Mr. Clinton, President Reagan declined to claim executive privilege over any matters in Iran-Contra where sensitive foreign policy decisions and negotiations were at issue. Executive privilege is not supposed to be used as a shield against responding to criminal proceedings. This is a clear misuse of the executive privilege.

As George Washington University Professor Jonathan Turley recently stated, quote, "It is ironic to see the

extent to which the Clinton administration has adopted executive privilege arguments far beyond those made by the Nixon administration." End quote.

Mr. Speaker, this administration and the President has no basis to claim executive privilege on matters before the grand jury that Mr. Starr is conducting, and, Mr. Speaker, I believe they are only doing this to extend the investigation, to drag it out, so that it eventually wears out the American people and they are able to hide behind that.

So, Mr. Speaker, I think this is something that should be stopped. I think the President should not claim executive privilege, he should get on with the investigation, he should make a clean breast of all this before the American people so that the American people know the facts.

THE PRESIDENT'S HISTORIC VISIT TO AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important, as we watch the historic visit of the President to the Continent of Africa, to be able to put into perspective this very important trip for it highlights many issues. For many, it was thought that this was a trip to talk about trade and economic development and opportunities of partnership on the issues of trade and economic development between the United States and sub-Saharan Africa, but we are finding that there is much more that can occur and that will occur, and I think it is vital for the countries that the President is visiting to be singled out for their individual merits and as well to acknowledge the problems and the future efforts that will be needed to enhance Africa's international position and as well its friendship and partnership with the United States of America.

I would like to personally acknowledge my appreciation for my own hometown newspaper, the Houston Chronicle, which has taken a great interest not only in the President's visit but the whole new opportunities that may be available, not only for this Nation but for Texas and Houston. They had a very large article on the issue of trade in the African Growth and Opportunity Act, explaining its viability and possibilities for large corporations but particularly small- and medium-sized businesses. They offered and editorialized their support for the African Growth and Opportunity Act and, as well, as I said earlier, they have a reporter from the Chronicle traveling with the President. Likewise, one of my local television stations, ABC Capital Channel 13, is as well viewing this as an important effort.

But what do we expect to see? Many of the news footage yesterday showed the President warmly received by the President of Ghana who has been reelected democratically and has shown an economic recovery in that country that competes well internationally. We saw a crowd that was, in its excitement, pushing toward the President, and I hope that we understood that his reaction was to protect those who were being crushed in the front and no other reaction other than to recognize how well he was being received.

But do we realize the leaps of faith and success that Botswana has experienced, another country that he will visit, having had democracy for 31 years? As long as it has been an independent country, it has been democratic. It has had few Presidents. The economics of the country is amazing. Housing is there, but yet it has a severe and serious HIV problem, and when I visited in December they offered to say that there were individuals who have seen six members of their family buried due to HIV. Uganda, who has implemented an economic program to increase the employment of the underemployed and unemployed, and yet has some problems which we will work on and need to expose as relates to the rebels' action in parts of that country in doing heinous acts; but the President stands against that, and we must emphasize human rights along with his visit to Rwanda.

As I listened to my colleagues talk about the Balkans, human rights violations and tragic genocide and ethnic cleansing are going on in Africa, and those of us who believe in human rights must stand up against it. It is important for the President to be in Rwanda to talk about these extreme abuses and the tragedies against families and children. It is all right for us to see that, but we must see that in the context of the whole Africa.

And that is why it is so very important as we visit this continent that the President also visits and interacts in South Africa and visits with Nelson Mandela, the father of Africa, who through his peaceful existence for 27 years of incarceration helped bring about the end of apartheid, and now South Africa has its position as one who can lead Africa in the course of economic development and human rights.

Then the President's visit to Senegal is extremely important as he realizes the tragedy of slavery. I hope that this will generate a healing process, and I hope that many who will view this will acknowledge the importance of this trip, Mr. Speaker, and that we will work together to heal any racial divide and, as well, bring us together around issues like an apology to African-Americans because we have seen the connection and the viability and the positive relationship.

CONGRATULATIONS TO INDIA'S NEW PRIME MINISTER

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, I rise today to express my congratulations to the newly-elected leader of the world's largest democracy. Mr. Atal Behari Vajpayee was sworn in last week as the Prime Minister of India. India's Parliament will hold a confidence vote later this week on Prime Minister Vajpayee's new government. Pending the outcome of the confidence vote, the Prime Minister is poised to lead the world's second most populous nation into the 21st century.

Mr. Speaker, the new Prime Minister is a veteran political leader in India who was once introduced by Prime Minister Nehru, India's first Prime Minister, as the future Prime Minister of India. He is a member of the party commonly referred to as the BJP, which has been described as a nationalist party. While some media accounts have portrayed the party in a negative light, Prime Minister Vajpayee has shown every indication of his intent to follow a moderate course. He has already reached out to India's neighbors, Pakistan and Sri Lanka, expressing the desire to build on recent efforts to foster friendlier relations among the nations of south Asia. In fact, the Prime Minister also intends to oversee the foreign affairs portfolio. During the 1970s Mr. Vajpayee served as Foreign Minister in a coalition government and won widespread praise for helping to reduce Indo-Pakistani tensions.

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He has also indicated that he intends to stay the course on the free-market reforms that have transformed India into one of the world's most dynamic emerging markets.

Mr. Speaker, Prime Minister Vajpayee has also spoken of his commitment to maintain the secular principles of India's constitution.

I had the opportunity to meet the new Prime Minister last year in New Delhi, then in his capacity as leader of the opposition in the Parliament. I also met with members of his shadow cabinet, many of whom will now assume the leadership of the various ministries.

I found Mr. Vajpayee and his colleagues to be sincerely dedicated to building a better future for India's nearly 1 billion people, continuing the free-market reforms while better developing the nation's infrastructure.

Given the negative characterizations of the BJP as a chauvinistic or fundamentalist party, I was impressed by the party's grassroots strategy of building alliances with regional parties representing India's many ethnic and religious groups.

Perhaps most important, as a visiting Representative of the U.S. Congress, and by extension of the American people, I was very happy to hear of Prime Minister Vajpayee's strong desire to work for close ties between India and the United States.

True, there have been some voices in India expressing concern about protecting India's culture from too much American or Western influence, but the leaders of India's new government have made it very clear, in my meeting with them and in the countless other forums, that they welcome U.S. trade and investment.

In fact, BJP leaders often point out that their party was at the forefront of calls to introduce free-market reforms in the Indian economy. This increased trade and investment translates into additional revenues for American companies and good jobs, I believe, for American workers.

It also means the prospect of better opportunities for the people of India, a growing market for American goods and services, and a long-term stability in a strategically vital region in the world. All in all, it is a win/win situation.

Mr. Speaker, obviously the United States and India are not going to agree on every issue. There will undoubtedly be occasional diplomatic tiffs between our administration and the new BJP government. But the underlying relationship between the United States and India is based on shared values of democracy and a commitment to economic development.

The people of India have spoken through elections in which more than 300 million people participated. While no single party gained a majority in the Parliament, the BJP won a plurality and has been given this historic opportunity to form a government. As a legitimately elected head of government, Prime Minister Vajpayee deserves our respect.

Expressions of congratulations have poured in from around the world. President Clinton called the Prime Minister, and the two leaders had a 10-minute conversation that focused on continuing on the path of strong bilateral ties. I hope that those who have viewed the BJP in a critical or suspicious way in the past will join me in congratulating the Prime Minister and wishing him and his government well.

I also wanted to point out that India's Parliament has elected as its Speaker G.M.C. Balayogi, a member of the TDP party. His election shows the BJP's willingness to form coalitions with other parties and to provide key positions of leadership for members of other parties.

Mr. Speaker, many of our Members of the House, both on the Democratic and Republican side, are members of our Congressional Caucus on India. And we look forward to the new government's relations and improved relations between the United States and India, because we do believe it is very important to continue the strong ties and the closer relationships that have grown in the last few years between our two countries.

ECONOMIC EQUITY FOR WOMEN

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I rise to lead a special order on economic equity for women. I expect to be joined by other women Members of Congress, perhaps by some men as well. They would be welcome. I have already been joined by the energetic and able gentlewoman from New York (Mrs. MALONEY), to whom I will yield in a few moments.

I come to the floor this evening during this special Women's History Month, Mr. Speaker. During this month, women Members, and we are proudly 50 Members strong in this House, of course, when you consider that there are 440 Members, we are the first to concede that we are proud, but not pleased, but we are proud to honor Women's History Month by participating in a number of floor speeches simply to keep before this body what I know most Members would not want to forget, and that is that women's issues increasingly dominate much of what concerns America, often as family issues.

This evening I want to devote my own time to discussion of specific aspects of economic equity, but I remind the body that this general subject covers a multitude of problems, among them old-fashioned discrimination against women in everything from sports to jobs, women's new rise in small business, women's special place as now primary in their dependence for their economic survival and benefit on a whole set of gender neutral economic programs, among them Social Security.

We say watch when you change Social Security, particularly when you talk about privatization, that you do not forget who lives the longest and who is most dependent on Social Security, and consider whether or not they will quickly and freely enter the market, particularly since it is low wage workers, among whom women are the predominant group who are most dependent on Social Security.

The earned income tax credit where many women, this very month, simply would have thousands of dollars in reduction in pay were it not for the earned income tax credit, which goes in this country predominantly to women who are, again, the low paid workers of America, minimum wage.

We got a minimum wage through, I think in no small part because this body understood it was talking about women, women vote, and women understood that that vote was a women's vote because two-thirds of those who qualify for the minimum wage, in a very real sense, to our shame, are women and women with children at that.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY) and thank her for coming to the floor to speak on an aspect of this subject.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to join my colleagues from the Women's Caucus as we work to bring greater attention to the issue of economic equity for women.

I thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON) for her valuable leadership, both of the Women's Caucus and on this critical issue.

I do want to note that, in her notice for this special order on economic equity for women, she cites a quote from the United States Bureau of the Census. And I would like to read this quote into the RECORD. It says, "The median earnings of women with a strong commitment to workforce were $23,710 while those of men were a substantially greater $32,144."

I would like to bring notice to this, not only for the important data that is below that points out the discrepancy between the earnings between men and women, but as an example of how we use census data over and over again in our everyday lives to know where we are as a Nation, where we are going as a Nation. Without good data, we are just another opinion.

This is one example of how the census data helps us track the progress or lack thereof of women in the workforce and that we, likewise, need to work for a fair and accurate census that is coming up.

Mr. Speaker, the Women's History Month is traditionally a time to highlight women's achievements and an opportunity to increase public awareness of the unique contributions women have made throughout history.

It is true that American women have made great strides. Women break through more personal and professional barriers every day, and we all should take pride in these many accomplishments. But we cannot afford to rest on these laurels, because the facts also show that there is a great deal of work that needs to be done.

The sad reality is, almost 35 years after the Equal Pay Act was passed, there is still a huge wage gap. In fact, women earned equal pay in only 2 out of 90 jobs tracked by the Bureau of Labor Statistics in 1995.

While the wage gap has narrowed by 15 percent since 1981, white women still make just 74 cents on the dollar to a male dollar. The situation is worse for the women of color. The wage gap for African-American women is 64 cents to the male dollar. For Hispanic women, it is 53 cents. This fact should make us all angry. We should all be indignant when women are not paid the same as men for the same exact same job, comparable work.

Pay inequity is yet another example of the lingering sexism and racism that is still in our society. Most of the wage gap cannot be explained away by differences in education, experience, or other legitimate qualifications. Even among recent college graduates, women earned 15.7 percent less than male graduates. While there has been some real progress, there is still a cultural bias against, in some cases, women workers.

There are still antiquated perceptions that women possibly do not need as much money as men, but they do. Women support their families. Their income is very much an important part of a two-wage family income. Yet, great women are supporting their families alone. As many as one in five American families are headed by women. Many two-parent families could not make it without both incomes.

Clearly, economic equality is a fundamental issue for women. It goes straight to the heart of how we care for our families and the roles we play in our communities and the security of our retirement years, which my colleague is focusing on and mentioned earlier.

Women continue to battle the glass ceiling, and virtually every profession is now open to us. But women have not yet broken the wage barrier. The notion of equal pay for equal work is so basic to the values of this country. If we genuinely want an equal society, we need to show women we value their work.

This country can do better. We must do better. And we are working to achieve it.

Mr. Speaker, I include for the RECORD "101 Facts On The Status of Working Women", which is important information that we need to look at during this Women's History Month:

101 FACTS ON THE STATUS OF WORKING WOMEN

WOMEN AND THE LABOR FORCE

1. In January 1997, there were 105 million women age 16 and over in the U.S. Of that total, 62.7 million (59.7%) were in the civilian labor force (persons working or looking for work).

2. The U.S. Department of Labor is projecting that between 1994 and 2005, women's labor force participation will increase from 46 to 48%—nearly double the growth rate for men.

3. In 1995, 3.6 million women held more than one job.

4. In 1995, 60% of all employed women worked in traditionally female dominated occupations.

5. Two out of every three temporary workers are women.

6. Women comprised 44% of the total number employed in executive, administrative and managerial positions in 1996, up from 39% in 1988.

7. In 1996, 42% of women in executive, administrative and managerial positions were employed in the service industry, compared to 31% of men. Women are also much less likely than men to be employed in manufacturing, construction, transportation and public utilities.

8. Of the 1,960,000 engineers in the U.S. in 1996, only 167,000 (9%) were women, up from 2% in 1976.

PAY EQUITY

9. Since 1981, the wage gap has narrowed from 59% to 71% in 1996—a decline of less than a penny per year.

10. The wage gap for African American women is 64 cents to a white man's dollar; for Hispanic women it is 53 cents.

11. The average woman loses approximately $420,000 over a lifetime due to unequal pay practices.

12. The total amount of wages lost due to pay inequity was over $130 billion in 1995.

13. About 60% of the improvement in the wage gap during the last 15 years can be attributed to the decline in men's real earnings.

14. According to a recent report, between one-third and one-half of the wage difference between men and women cannot be explained by differences in experience, education, or other legitimate qualifications.

15. Demonstrating that there is still not equal pay for equal work, in 1995 female sales workers earned 43.1%, female managers 32%, female college professors 22%, administrative support 22%, health technologists and technicians 18%, female elementary school teachers 12%, and female nurses 3.1% less than their male colleagues.

16. At all educational levels, women suffer from a wage gap compared to male workers. College educated women earn $14,217 a year less than college educated white men, and only $794 more than white men who have never taken a college course.

17. College educated African American and Hispanic women annually earn $17,549 and $14,779 less, respectively, than their white male colleagues, and college educated African American women earn $2,558 less than white male high school graduates.

18. Even among recent college graduates, women earn 15.7% less than men.

19. While women constituted 46% of the work force in 1995, over 63% of all workers earning the minimum wage or below were women.

20. The median weekly earnings for all men in 1996 was $557, compared to $418 for all women, $362 for African American women, and $316 for Hispanic women.

21. Women in unions in 1995 earned weekly wages that were 35% higher than women who were not union members.

22. Poverty rates are higher at every age for women who live alone or with non-relatives than for their male counterparts.

WOMEN-OWNED BUSINESSES

23. According to the National Foundation for Women Business Owners, there are nearly eight million women-owned businesses in the U.S., employing over 18.5 million people and generating close to $2.3 trillion in sales.

24. In 1996, women-owned firms accounted for over one-third (36%) of all firms in the country, and provided employment for one out of every four (26%) U.S. workers.

25. The growth of women-owned businesses is outpacing overall business growth by nearly two to one, with an average of 1,400 starting each day.

26. Between 1987 and 1996, the number of women-owned firms increased by 78% nationwide, employment by these firms increased by 183%, and sales grew by 236%.

27. Women-owned firms are more likely to remain in business than the average U.S. firm. Nearly three-fourths of women-owned firms in business in 1991 were still in business three years later, compared to two-thirds of all U.S. firms.

28. An estimated 3.5 million women-owned businesses are home-based and employ 14 million full- and part-time workers.

29. Women business owners are more likely than all business owners to offer flex-time, tuition reimbursement, and profit sharing, and are more likely than men to volunteer and to encourage their employees to volunteer.

30. Women will own 40 to 50% of all U.S. businesses by the year 2000.

WOMEN IN THE FORTUNE 500

31. According to a 1996 Catalyst study of the Fortune 500 companies, 1,302 out of 13,013 (10%) corporate officers are women, up from 8.7% in 1994.

32. A total of 394 companies (78%) have one or more women corporate officers, up from 77% in 1994, and 105 companies (21%) have no women corporate officers, down from 23% in 1994.

33. Student Loan Marketing Association (Sallie Mae) is the only company with women in more than half (57%) of corporate officer positions.

34. Women comprise 57 (2.4%) of the 3,430 highest corporate rank positions (chairman, vice chairman, CEO, president, COO, EVP).

35. The highest level of women corporate officers can be found in savings institutions (22%), while the lowest level is found in brokerage firms (4%).

36. Only 47 (1.9%) of the 2,500 top earners in the Fortune 500 are women.

37. Of all of the Fortune 500 companies, 417 have women on the board of directors, but only 177 (35%) have two or more women. Eighty-three companies (17%) have no women on their boards.

38. The rate of increase of women on boards is actually decreasing—it grew by 9% in 1994, 7% in 1995, and 3% in 1996.

39. Only 626 (10.2%) out of 6,123 of board positions are held by women.

40. A total of 53 women of color sit on boards (12.6% of women board members, 1.4% of total members).

41. The industry with highest number of women on boards is the soap/cosmetics industry with 19%, while the mail/package/freight delivery industry has the lowest number, with only 3%.

42. The industries with the highest percentage of companies with no women on boards (43%) are computers/data service, engineering and construction.

43. There is a direct correlation between the number of women on a company's board and the number of women serving as corporate officers and at the highest corporate level at that company. Companies with one woman board member have an average of 7.1% women at the highest corporate levels, whereas those with three or more women on the board have 30.4%.

WOMEN IN POLITICS

44. Four women serve in the Cabinet of the second Clinton Administration.

45. Two women occupy seats on the U.S. Supreme Court.

46. In 1997, women hold nine (9% of the 100 seats of U.S. Senate and 51 (11.7%) of the 435 seats in the U.S. House of Representatives. In addition, two women serve as Delegates to the House representing the District of Columbia and the Virgin Islands.

47. Of the 62 women serving in the 105th Congress (including the two Delegates), 12 are African American, four are Hispanic, one is Asian American/Pacific Islander and one is Caribbean American.

48. California has sent more women to Congress than any other state—a total of 21. Seven states have never elected a woman to either the U.S. House or Senate. They are: Alaska, Delaware, Iowas, Mississippi, New Hampshire, Vermont and Wisconsin.

49. Currently, two women serve as governors of their states and 18 women serve as lieutenant governors.

50. Women hold 25.1% of the 3223 available statewide elected executive offices in 1997, an increase from 18.2% in 1992.

51. In 1997, 1,597 (21.5%) of the 7, 424 state legislators are women, up from 18.3% in 1991 and 5.6% in 1973.

52. Of the 100 largest American cities, 12 have women mayors.

OLDER WOMEN'S ISSUES

53. Women on average can expect to live 19 years into retirement while men can expect to live 15 years.

54. In 1993, 48% of women employed full-time by private employers were participating in an employer-provided retirement plan.

55. Almost 12 million women work for small firms that do not offer pension plans.

56. Only 39% of all working women and fewer than 17% of part-time working women are covered by a pension plan.

57. Less than 33% of all women retirees age 55 and over receive pension benefits, compared to 55% of male retirees.

58. The median amount of women's pensions is $250 monthly, compared to $650 for men.

59. Two-thirds of working women are employed in sectors of the economy that have the lowest pension coverage rate, including the service and retail sectors.

60. Workers covered by union agreements are nearly twice as likely to have a pension. Women, however, are half as likely to be in these jobs.

61. Since women change jobs more frequently than men—women stay with an employer for an average of 5.8 years, compared to 7.6 years for men—many women leave jobs before they reach the required years of service to qualify for employment retirement plans, usually five to seven years.

62. Only 20% of all widows receive a survivor pension, which is usually only 50% of what their husbands benefits had been.

63. Fewer than one-fourth of divorced women age 62 and older receive any employer-sponsored pension income, whether from their own or their ex-husband's past work. Often, divorced women are left with no share of their ex-husband's pension, even after a long marriage.

64. In 1995 women comprised only 58% of the total elderly population but comprised 74% of the elderly poor. Older women are twice as likely as older men to be poor, and nearly 40% of older women living alone live in or near poverty level.

65. A widowed woman is four times more likely, and a single or divorced women five times more likely, to live in poverty after retirement than a married woman.

66. Of all unmarried women age 65 and older, 40% rely on Social Security for 90 % or more of their household income.

67. The U.S. has the greatest percentage of elderly women in poverty of all the major industrialized nations.

WORKING FAMILIES

68. The net increase in family incomes between 1973 and 1993 was driven almost entirely by the gains for married couples with working wives, the only family type for which real income increased significantly over the period.

69. Despite the fact that employed mothers and fathers work in similarly sized organizations, fewer mothers than fathers are eligible for coverage under the Family and Medical Leave Act (FMLA) because of women's higher rate of part-time employment.

70. In 1960, women were the sole support of less than 10% of all families. In 1994, this figure was 18.1%. Of these, 38.6% had incomes below poverty level.

71. Most women will spend 17 years caring for children and 18 years helping an elderly parent. Eighty-nine percent of all women over age 18 will be caregivers to children, parents or both.

72. Less than one-fourth of new mothers leave the paid labor force.

73. Women average 11.5 years out of the paid labor force, primarily because of care giving responsibilities; men average 1.3 years.

HEALTH ISSUES

74. It is estimated that 19% of women in the U.S. are uninsured. Hispanic women are 2.5 times and African Americans are 1.8 times as likely to be uninsured than white women.

75. Women and their children are disproportionately represented among the nation's uninsured population, primarily due to women's segregation in service and retail jobs, which have low rates of employer-provided insurance and low wages. In 1993, 59% of uninsured women were from families with an annual income of less than $25,000.

76. More than 184,000 women were diagnosed with breast cancer in 1996 and 44,300 women died from the disease. Research indicates that universal access to screening mammography would reduce breast cancer mortality by 30%.

77. Many poor women and women of color do not have access to mammography screening because they lack health coverage and earn low wages. Because Medicare requires a woman to pay a share of the cost, 85% of women covered by Medicare only (without supplemental coverage) did not have a mammography screening in 1992 or 1993.

78. More than 52% of uninsured women ages 18–64 did not have a Pap Test in 1993.

79. Almost one in four women does not receive prenatal care during the critical first trimester of pregnancy. Hispanic and African American women are twice as likely as white women to receive little or no care.

80. While men have higher death rates from many diseases, women suffer more from chronic and debilitating physical and mental illnesses. Minority women disproportionately suffer from the chronic diseases of hypertension, asthma, diabetes and chronic bronchitis.

81. Older women, ages 65 to 85, frequently suffer from multiple chronic diseases: 27% suffer from two chronic diseases and 24% suffer from three or more. Half of women over 80 suffer from osteoporosis.

82. Almost half (49%) of disabled women have annual incomes below $15,900; 19% are on Medicaid or receive public aid; and 24% live alone.

83. In 1995, 59% of Medicaid recipients and 60% of Medicare enrollees were women. Of the women on Medicaid, 61% have been on for more than two years and 37% for more than five years.

84. Only one-third of women enrolled in Medicare live with spouses compared to over half of men enrolled in Medicare.

85. Women ages 15–44 had out-of-pocket expenditures for health care services ($573) that were 68% higher than those of men of the same age ($342).

86. The most common reasons women give for failure to obtain clinical preventative services are cost, lack of time and lack of physician counseling.

87. One in four women report that physicians talk down to them, and one in six women have been told by a physician that a problem was "all in her head."

VIOLENCE

88. Each year about one million women become victims of violence at the hands of an intimate—a husband, ex-husband, boyfriend, or ex-boyfriend. This is seven times higher than the rate of violence committed by an intimate against male victims.

89. In 1994, there was one rape for every 270 women, one robbery for every 240 women, one assault for every 29 women, and one homicide for every 23,000 women.

90. Women in families with incomes below $10,000 per year were more likely than other women to be violently attacked by an intimate. Geographically, however, women living in central cities, suburban areas and rural locations experienced similar rates of violence committed by intimates.

91. Each year nearly one million individuals become victims of violent crime while working or on duty. Although men were more likely to be attacked at work by a stranger, women were more likely to be attacked by someone they knew.

92. One-sixth of all workplace homicides of women are committed by a spouse, ex-spouse, boyfriend, or ex-boyfriend. Boyfriends and husbands, both current and former, commit more than 13,000 acts of violence against women in the workplace every year.

93. Workplace violence resulted in $42. billion in lost productivity and legal expenses for American businesses in 1992 alone.

WOMEN IN HIGHER EDUCATION

94. Women earn 54% of the B.A.s awarded in the U.S., 52% of the Masters and professional degrees, and 40% of the doctorates.

95. The number of colleges and universities headed by women increased from 5% in 1975 to 10% in 1990. Women of color made up less than 2% of these high-level administrators.

96. In 1910, 20% of college faculty were female. In 1985, women comprised only 28% of college faculty. This is only an eight percentage point increase over a 75 year period.

97. In 1995, women made up only 31% of the full-time faculty of American colleges and universities, up from 26% in 1920—a five percentage point increase in 75 years.

98. Women make up almost 40% of the full-time faculty at public junior colleges, but only 20% of positions at top-ranked public and private research institutions.

WOMEN AND CHARITABLE GIVING

99. Women direct 43% of all foundations in the U.S.

100. In 1995, women's average annual charitable contribution was $983, up 26% from 1993. Men's average annual contribution was $1,057, only a 6% increase since 1993.

101. 1995 was the first year that women donated a larger share of their annual income than men.

Mr. Speaker, I thank my colleague for yielding. I thank her for organizing

this special order and for all of her work for women, children, families, and working families in our society.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York for her valuable contribution. May I also thank her for her very valuable work as vice chair of the Women's Caucus.

Mr. Speaker, I want to speak this evening specifically on pay equity for women. This is one of the great issues, working women say their most important issue, more important than issues which also are among their great priorities, education and choice and health care. They say pay equity.

Why should this be so, Mr. Speaker? Well, part of the reason is that women are now close to half of all the workers in the United States. Mr. Speaker, that is an enormous increase from just 1996, when not half, but only less than a third, actually 30 percent of women were in the workforce.

Why have they come in such numbers? I am not sure that all of them are like me, Mr. Speaker, born to work. I think that we all know why women are in the workforce today in such huge and increasing numbers.

□ 1930

I think we all know that wages have been stagnant since the early 1970s, that even with the splendid economy, the American family has sent everybody who could work out to work.

First and foremost, it is women and so almost half of the work force now is female. Perhaps the stagnant wages and increasing entry of women into the labor force helps us understand why pay equity now shows up in polls at the top, the number 1, top issue for men and women; not women alone, Mr. Speaker, but men and women.

I would hypothesize that the reason that people are saying that equal pay or pay equity, traditionally a woman's issue, is at the top of their agenda, that the reason is that women's pay has now become central to family income.

When the women go out to work with the men and if there is a male in the household, he looks at her paycheck and then looks at his, and he says, how come you are not bringing home what I am bringing home, pay equity shoots to the top of the agenda, because he is talking about his family now. What we have seen is truly extraordinary. This women's issue has morphed into a family issue and into the number 1 issue according to the polls.

That is driven, Mr. Speaker, not only by the fact that women have come in such huge numbers into the work force, it is driven by their lower wages compared to men. Study hard and do your homework, girls are told, and you can grow up to be anything you desire. I was told that, even as a skinny little black girl in the segregated public schools of the District of Columbia.

And so that is exactly what good little girls do; they become good students. And today, it turns out that they have been good at everything except getting the equal pay they have earned.

They have cracked open virtually every profession, but they have yet to crack the wage barrier, Mr. Speaker. They now collect 55 percent of college degrees. Men, Mr. Speaker, get only 45 percent of college degrees today. Women get 65 percent of the 3.5 grade point averages. None of that has done it. Study hard, little girl, and you can grow up to be anything you desire, so long as you do not ask to be paid the same as men who do the same work.

I confess, Mr. Speaker, that I have been chasing fair pay for women for 20 years, since the Carter administration when I chaired the Equal Employment Opportunity Commission. We had the first hearings on pay equity at the EEOC in 1980, and later commissioned the landmark study by the National Academy of Sciences that is remembered and referred to still today because it confirmed that there is comparable pay discrimination against women.

Mr. Speaker, women today have a comparable pay problem, not an equal pay problem. A comparable pay problem comes when people, mostly women, have the same skill, effort, responsibility and working conditions as men, but get paid less for jobs that are not the same, except in all the essentials of skill, effort, responsibility and working conditions.

When I came to Congress, I brought my experience at the EEOC to the only place that can do something about gender bias. My bill, H.R. 1302, the Fair Pay Act, now has more than 60 cosponsors; and I thank the Members of this body who have cosponsored this bill with me. It takes the pay gap head-on by barring discrimination based on section or race when jobs are comparable in skill, effort, responsibility, and working conditions.

The Fair Pay Act would end the discrimination between, for example, the pay of a probation officer and the pay of his wife, a social worker. Both these people have gone to college. They may have even come out at the same time, they work every day. He hears from people who have been released from jail and may be on probation for years. She goes into some of the most troubled neighborhoods to work with disadvantaged people and their children. It is time that the Nation seriously ask whether we can expect women to continue to pursue higher education with the same vengeance only to earn close to $800 more than men who pass up college altogether.

The budget reconciliation bill we have just passed offers tax breaks to help more women and men go to college. We should engage in some self-congratulation for that bill passed last year, Mr. Speaker. Now we must make the incentives to pursue higher education equal for women as for men. Pursuing pay discrimination will send the signal that college pays.

Over and over again we say, we need to send more young people to college. Women have heeded that call so that they can meet the global competition in greater numbers than men. We do not want to have a reverse effect after some years when they figure out that college does not matter in pay.

This signal is surely needed now to counter the danger signals of the 1990s on pay for women. The gender gap has stabilized again.

Mr. Speaker, the increase in closing the gap, or should I say the "decreasing of the gap," has stopped. It stopped at the end of the 1980s. We have seen no real movement since closing in on a man's dollar, and we keep fluctuating, all in the upper 70s, between 70 percent, sometimes getting as high as 75 percent or 76 percent, but always going back down in the ensuing year.

The country simply cannot afford another 25 years of wage gap stability, not with so many women in the work force, not with the greater call for education, not with family income increasingly dependent on women's wages. As we have seen by the gender gap retrenchment of the 1990s, the gap will not close itself, or else it would have simply continued, unabated, to close.

Congress has an obligation to eliminate the gender discrimination that sustains the gap. Good girls who go on to be good students deserve better when they go to work. I think they deserve what my Fair Pay Act would bring them.

Mr. Speaker, I know that this is not a country that will allow the rise in real wages for women that we saw during the 1990s to simply top out, that is it, glass ceiling in wages, you have had it; go on for another 10, 15 years, and maybe you will slip up again the way you did in the 1980s. The country will not tolerate that this time. Too many women in the work force are too dependent on their income. And yet, between 1979 and 1997, we have seen increases that encouraged us. Women earned $395 in median weekly earnings in 1979. That $395 turned to $431 by 1997.

Women reached their highest ratio of earnings to men in 1993 when the ratio was almost 77 percent of a man's dollar. Since 1995, and this is the bad news, Mr. Speaker, the wage gap has actually increased so that women in 1997 are showing about 74 percent of men's median earnings.

Some have asked whether or not women have caught the so-called "male wage disease." That disease is the disease, as it were, that has stalled men's wages for what seems like an eternity when they stopped rising in

the 1990s. We have every reason to be concerned, Mr. Speaker, because we are now living in the best of times economically.

The fact is that over and over again we are told by everybody from the President to the nightly news that we are now living in the longest period of sustained economic growth since the end of the Second World War. How then to explain the lack of real growth in women's wages and in men's wages during the 1990s?

We explained it for men's wages by saying, well, men were in manufacturing, they were moving overseas, it would all straighten itself out. In that sense, they are in worse trouble than women, because it has been downhill all the way with no respite such as women got during the 1980s when the gap, in fact, was closed.

Mr. Speaker, what concerns me most is that women's wage gap-closing is not explained by the growth in real wages. A substantial amount of the closing of the gap is not closing at all. It is because men have not, in fact, had an increase in their real wages, and that simply leaves them where they are, or declining, causing women to meet them more easily than if their wages had continued to go up since the early 1970s.

This, Mr. Speaker, is not what we had in mind when women started to close the wage gap. We do not mean to do that at the expense of men, our husbands, our fathers, our brothers; and of course, it is not at their expense that we are doing it. What these figures show is simply that they are not rising for whatever reasons women's are and, thus, there is the appearance of the closing of the gap that is in fact not the case.

Beyond the fact that much of the closing of the gap of women's wages is really nothing more than a decline in men's wages, there is also a serious problem, and that is that most of the closing of the gap is not due to an increase in women's real wages.

Mr. Speaker, 41 percent of the closing is due to an increase in women's real wages, but that leaves 59 percent which comes because of the decline in men's wages, and Mr. Speaker, the proportion of the gap that is closed due to the growth in real wages is only 19 percent; and that is in this decade, the 1990s.

□ 1945

Compare that to the 1980s, when the proportion of the closure of the gap for women due to real wage growth was 51 percent. Fifty-one percent of the gap closed because of real wage increases in the 1980s. Nineteen percent of the decrease in the gap in the 1990s is due to an increase in real wages for women. That is unsatisfactory, Mr. Speaker, and it tells us perhaps all we need to know about why pay equity has found itself at the top of the agenda for men and for women.

We are talking family business here, Mr. Speaker. It is family wages that are falling. There is no such thing as women's wages anymore. Women are single heads of households. Imagine what this slow-up in the rise in women's wages means to women who have to support children by themselves.

A third of all children in this country are born out of wedlock. Many more simply live for huge periods of time after divorce or separation with their mothers alone. These women are out here trying to make it on a woman's wage. Even when a woman is part of a two-earner household, men are so disquieted by the failure of the woman to bring home her fair pay that they have joined with women to put pay equity at the top of the list, at least according to the polls; a serious, serious problem.

Mr. Speaker, to get some sense of just how serious it is and why this body needs to pay attention to it, and I offer my Fair Pay Act as one approach at hand, an example comes out of what has happened to the pay of the women one would most expect to be ahead of the game.

Let us look at women with Bachelor's Degrees. Mr. Speaker, they earned $28,701 in 1996. A man with a Bachelor's Degree earned $46,702. Let us look at high school graduates. A woman with a high school education earned $16,161, Mr. Speaker. A man with a high school education earned $27,642.

Even if we consider that there are some reasons to discount part of this discrepancy, such as perhaps the woman has taken some time out to have children, perhaps the woman, and these are all either high school or college graduates, perhaps the woman has taken some time to have a part-time job, but can you really tell me that the difference should be almost $20,000 between a man who graduated from college and a woman who graduated from college? That gap is simply too great to be explained away by any explanation except some degree of discrimination in wages for women.

We think that discrimination comes because, Mr. Speaker, wages in this country and throughout the world have been designed for women. When a job is a traditional women's job, throughout human time, that fact and that fact alone has depressed the wage scale. What the Fair Pay Act asks is that one eliminate that factor and that factor alone from wage-setting.

My bill respects the market system. I am not crazy. This is a free market system, and I do not want to change it one bit in that regard. But the free market system does not allow men and women who do the same work to be paid dissimilarly, and the reason is because discrimination is not a market factor, or at least it is not a legitimate market factor.

In the same way, the free market system should not allow discrimination to be a factor in the difference between what a probation officer and a social worker receive. Assuming they are measured objectively by the grade point scale widely used throughout industry, they are performing work that is comparable in skill, effort and responsibility, and working conditions.

Mr. Speaker, there are a number of ways to rectify this matter. I shall be speaking about the filing of a complaint, but I would like to speak to an old-fashioned market system way to rectify this discrimination. That is through collective bargaining.

In every market system one way to legitimately raise wages is simply to bargain for increases, and the theory of bargaining for increases is that the market will keep the union from getting more of an increase than the market will bear. If it does not, workers will be laid off or other sacrifices will have to be made, and the employer's bargaining position in a market system will keep the wage from becoming higher than the market should allow.

I believe we should take a very close look at what unions have done to bring pay equity for women. It is worth noting that white union women earn $151 more than their counterparts who are not unionized, a 38 percent difference; that black union women earn $73 more than their counterparts who are not unionized.

Mr. Speaker, these figures are weekly earnings, of course. That figure is an 18.5 percent difference. Hispanic women earn $24 more per week than their non-union counterparts. That is a 6 percent difference. Looked at at the bottom line, women who are in unions are about one-third closer to union white men's earnings.

Why does this occur through unionization? Why are women increasingly coming to unionization? Why are so many people of color attracted to unionization? Because it tends to standardize wages in and of itself by the way bargaining occurs, and therefore, naturally, to eliminate some of this wage disparity and to reduce wage gaps.

Of course, the fact that women and minorities have a voice in wage-setting through their unions and the democratic practices of unions means that they can exert pressure on their unions to keep men and women's wages from getting out of line. If the difference is out of line and their consciousness is sufficiently raised, then they can in fact democratically compel their union to bring about greater equalization.

Unions themselves, frankly, have stepped to the forefront often to raise the consciousness of their own members, rather than the other way around. I would like to offer some examples, because I think that they point up what can be done using this traditional market system approach.

AFCSME, which by the way also represents many Federal workers, in the private sector has raised over $1 billion in wage adjustments alone for women workers. This is the American Federation of State and Municipal Employees.

Their Minnesota pay equity contract is particularly noteworthy. AFCSME in fact bargained for a pay equity study in 1985, and looking at comparable skill, effort, responsibility, and working conditions, AFCSME got a contract that provided $21.7 million to reduce wage and equity in female-dominated jobs. That was an approximate increase of 9 percent, and it occurred without reducing the number of jobs for women in State government, where this landmark win took place.

That is important to note, again, because the way in which collective bargaining works, if the union finds that it is asking for an increase that the employer will make up for by laying off women or other workers, it gets nowhere. So again, the market system, using collective bargaining, disciplines how one bargains for increases in wages involving pay equity for women. It is a wonderfully neat and classic approach to improving wages for women.

Occasionally this straight-out collective bargaining will not do it. Occasionally, therefore, there have been strikes. In 1981, AFCSME Local 101, Council 57, had to go on strike. This occurred in the City of San Jose, California. What happened as a result, however, was a $1.5 million increase in female-dominated jobs.

It says something about a union that is willing to go on strike to bring pay fairness to its women workers, because it means that the men and women went on strike. And if the strike was successful, and it was, it was a nine-day strike, by the way, and it was, then what it means is the employer in fact gave an increase, but obviously, not from his point of view, more of an increase than the market would bear.

Another union, SEIU, Service Employees International Union, has moved aggressively in the pay equity area. I am most intrigued by a settlement they won in 1987 in San Francisco.

Essentially what SEIU did was to negotiate a $35 million settlement with the City of San Francisco. In order to do that, the city had to put a referendum on the ballot, and the pay equity referendum passed by 60 percent. Twelve thousand workers benefited. Here we see a combination of democracy, collective bargaining, and pay equity for workers.

□ 2000

SEIU deserves a lot of credit for being among the first to raise the issue of pay equity for men of color as well as for women. SEIU has forced a study that shows that in L.A. County, 81 percent of the jobs were sex-segregated and 21 percent were segregated by race. This is the kind of study that often produces action through collective bargaining, Mr. Speaker.

More recently, in 1994, there was another pay equity victory for the SEIU. The Local 715 in Santa Clara, California won nearly $30 million through achieving changes in job classifications of traditionally women-dominated jobs and jobs dominated by minority workers. In the end, these workers were brought to the wage levels of mixed-gender occupations.

Mr. Speaker, the National Education Association represents not only teachers, but many education support personnel who have been left behind. The NEA has had some notable success in negotiating pay equity for these support workers in various school districts. More than two dozen contracts to be exact; 14,000 personnel affected.

The estimate is that over a worker's career, their pay equity program has brought raises of a minimum of $10,000 for most of the employees involved, and as much as $40,000 in the career earnings for many others.

In 1991, the utility workers of America negotiated a pay equalization increase at Southern California Gas Company. Traditional female-dominated jobs saw increases of 15 percent. Typical of the occupation comparisons was the case of the female customer service representative who was equalized with the male service representative or meter reader. That is the way it is parsed out. The inside job is less, the outside job is more. Maybe it should be. But, in fact, often when we look at skill, effort, responsibility and working conditions, that should not be the case.

The Hotel Employees and Restaurant Employees International, Local 34, negotiated a famous contract with my own university, Yale, where I went to law school, in 1988 for its clerical and technical workers, winning for these female-dominated occupations 24 to 35 percent over 4 years, and they had to go on strike to do it. I was on the Yale Corporation at time. Yale held out for a long time. There was a 10-week strike. It was the first pay equity strike in the private sector.

Mr. Speaker, if workers have to do that, they have got to do that. Hopefully, more and more employers will see that it is in their best interest to settle these matters peacefully, a strike peacefully, but a strike, of course, is almost inherently peaceful. But I would hope that most employers would understand that it is in their best interest to raise the wages of women workers so that they do not have people doing comparable work who are paid less than men who sit beside them or who work outdoors doing comparable work.

The Newspaper Guild, perhaps some think of that as an unlikely union for pay equity, but it is no such thing. Here there have been three pay equity increases in three different newspapers. Examples of jobs that have been equalized are the female insider classified sales jobs and the historic male outside sales jobs.

Mr. Speaker, nonunion workers may also get themselves into voluntary associations of one kind or another to try to negotiate pay equity disparities, but they will be at a severe disadvantage. They may advocate, but each and every one of these cases have required technical expertise, political support and financial resources. Pay equity case or matter cannot be argued without enormous backup. It must be shown that the skill, effort, responsibility, and working conditions are indeed unequal. That is not the case simply because the man in the workplace earns more than the woman in the workplace. The jobs may not be comparable. Most jobs are not comparable. Complainants have got to find in the same workplace two jobs that are comparable and then have to show by a very detailed and technical study that each and every one of these areas, when added up, should result in the same pay. Mr. Speaker, it is a very difficult thing to do, and cannot be done by getting on a PC and figuring it out. It takes lawyers, economists, statisticians, and a whole host of skills. That is why unions have proved most valuable to women and people of color in correcting pay disparity.

Tom Donahue, a good friend and former Secretary-Treasurer of the AFL–CIO, said it best in a hearing in the 1980's: Bargaining about wage rates is something, after all, that we have been doing for decades. That is what unions do.

I recognize that not everyone in this body favors unions or collective bargaining, strange as that may seem in a great democracy like ours. But that is indeed the case. It is either going to be done through that traditional market-oriented approach, collective bargaining, or my Fair Pay Act would do it for nonunion workers and, for that matter, for union workers if the union cannot or does not move forward. And one way or the other, look at the polls. We will see that the American family is demanding that we do something about it.

Mr. Speaker, this discrimination in wages results in no small part because women have only a limited number of occupations, really about six major occupations to which they have essentially been consigned. If a woman walks into a workplace and says, "What jobs do you have open," Mr. Speaker, if we would like to do the testing, what will happen is the woman will be sent to the woman's track and the employer will not even recognize what he is doing. It is just what he has always done and the company has done for decades. And what happens results

in crowding often of qualified and overqualified people into a few job categories whose talents could take them almost anywhere in the workplace.

The way to undo this is to bring it to the employer's attention, make them undo it, make them understand that it is against the law and the law then has a deterrent effect and it begins to then undo itself, as much discrimination does today. It is discrimination that has reduced these wages.

Mr. Speaker, I repeat, where these wages are unequal, and the cause is not discrimination, I do not call for equalization. I am not trying to build a command wage-setting economy. Not only do I respect the market economy, I glory in what it can do. Of course when it does not do what it is supposed to do, that is what this body is here for, to make sure that people do not unduly suffer while the economic cycle works its way out.

I am talking about pinpointing the discrimination factor in wage-setting, and only the discrimination factor, and I am talking about making the woman do that as a plaintiff if the matter were to turn out to be a discrimination suit.

Mr. Speaker, my backup on that, and perhaps my preference, is collective bargaining. Ultimately, though, we have got to take responsibility for this. We cannot keep sending the woman out to work or having her, as in most cases, go out to work on her own or having her have the responsibility for the family income on her own and saying you are on your own; if you encounter comparable pay discrimination, you are still on your own. Discrimination, and only discrimination is what I am after, Mr. Speaker.

The women of America have so many priorities that we often lose sight of what really is the priority. Is it child care? Is it osteoporosis? Is it breast cancer? Is it affirmative action? Women have spoken in unison with the men. They say it is pay equity. I am out here working every day and want the same pay that I would get if I were a man going out here on the job. If I do not get it, give me a statute that gives me a tool, and employers will begin to do it on their own.

Nobody in this body would want to say to a woman who was a 911 operator, an emergency service operator, that she is worth less than her husband who is a fire dispatcher. Can my colleagues imagine what it is like to sit at 911? I can tell you one thing, Mr. Speaker, it is probably more hectic than it is to be a fire dispatcher, unless fires occur every moment. It is time we said to working women that they are on their own except when you encounter discrimination, and then the Congress of the United States is with them.

The Fair Pay Act, like the AEPA or the Equal Pay Act, the historic landmark statute that we passed in 1963, will root out the discrimination I am after without tampering with the market system. A woman may file a discrimination claim, but as in all discrimination cases, she must prove that the gap between herself and a male coworker doing comparable work is discrimination and no other reason such as, first and foremost, legitimate market factors. Gender is not a legitimate market factor.

Mr. Speaker may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). The gentlewoman from the District of Columbia (Ms. NORTON) has 3 minutes remaining.

Ms. NORTON. Mr. Speaker, I would like to use my remaining time to thank the gentleman from Kentucky (Mr. ROGERS) chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations. I appeared before him to seek an increase for the Equal Employment Opportunity Commission. I had twice sought such an increase, and have once gotten one on the floor with the gentleman from North Carolina (Mr. WATT) as the cosponsor. And, again, as chair of the Women's Caucus, when we sent a letter the chairman had been responsive to us.

This year I tried a different approach and said to Chairman Rogers that I sought support for the President's call for a $37 million increase for the EEOC, which has a serious backlog and runs backlogs every year, but I sought it in a different way, in a way that would keep the EEOC from coming back for annual increases. I raise this now because the EEOC is vitally important to women. Pay equity, sexual discrimination, pregnancy discrimination, job discrimination comes through its doors and through its complaint process.

We had an extraordinary case, the Mitsubishi case here, involving virtually pornographic, outrageous actions by male co-workers, and the whole Women's Caucus got involved. Essentially what I said to the gentleman from Kentucky is that I would like to have the EEOC do something comparable to what I tried to leave in place when I was at the EEOC, which was a system of alternative dispute resolution, a way that processes cases rapidly, using settlement techniques, and a way that I found also increased the awards to women because after a woman has remained in the system for 2 years, she is likely to get no award at all because the evidence falls away. If she settles, she gets often some money, assuming the case is worthy.

Chairman Rogers was intrigued by the notion that EEOC might not come back every year if they got an increase this time, and put in place structural changes that would then last for some considerable number of years.

□ 2015

That is what happened when I was at EEOC. I said, forget this increase. You will not see me again.

I was at the EEOC for 4 years. I never came back on increase. I put in place something called rapid charge processing. We brought the average time of processing an individual charge from 2 years to 2½ months and raised the remedy rate from 14 percent to 43 percent using settlement techniques that are commonly used to resolve cases in the court system.

Chairman ROGERS said, show me a plan. And perhaps if we can tie the President's request for an increase to a plan, that would mean that the EEOC would have to show structural changes and not come back for annual increases. Perhaps he would look more closely at this substantial increase for the EEOC. I thank the chairman for looking closely at my proposal.

When I came to the EEOC, it was known primarily for a backlog of 125,000 cases. We got rid of most of that backlog before I left the agency in about 3 years' time.

I raise the case of EEOC not only because I am a former chair, but because I believe not only in quality, I believe in equity and efficiency. And I think those of us that are for equality had better stand for efficiency or we are not going to get equality. The best way to go about cases is to try and work them out. Then they deter employers and then there is a win-win for everyone.

Mr. Speaker, I remind this body that I have been speaking here this evening not for myself but for 50 women in this House, some of whom will embrace some of what I have to say, all of whom who stand for fairness and equality for women during Women's History Month.

FEDERAL BUDGET

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I have joining me tonight my distinguished colleague, the gentleman from the State of Arizona (Mr. HAYWORTH). We are going to talk for a good portion of our allotted time tonight about the Federal budget and principally about where we were just 3½ years ago, where we are today, and a little bit about where I think we should go.

First of all, if I could before I yield to my friend, I would like to talk a little bit about what was happening back not so many years ago. This is a chart that anybody, and any of the Members who watch us on C-SPAN from time to time, I am sure have seen. This is a chart that was put together by our colleague, the gentleman from Wisconsin (Mr. NEUMANN). What it shows is the budget deficit. This actually is the debt. The accumulated debt was growing out of control.

In fact, there was a study by, I believe, the Congressional Budget Office, done just a few years ago, that said that if Congress did not get serious about this problem, by the time our children reached middle-age they could be paying a total tax rate of over 80 percent just to pay the interest on the national debt.

I tell the people back home and sometimes they have trouble believing this, which does not surprise me because I have difficulty believing this as well, that the debt has become so large. But right now the debt is $5.5 trillion.

And one of our other colleagues has done some calculations to try and explain how much a trillion dollars is; and the way he describes it is this, and I believe his numbers are accurate, that if you spent a million dollars a day every single day, it would take you 2,700 years to spend a trillion dollars.

Previous Congresses have run up almost $5.5 trillion worth of debt that our kids are going to be responsible for. And worse than that, we have to pay the interest on that; that is like an entitlement, and it becomes the second or third largest single entry in the Federal budget.

I tell people, as I say, back in my district that every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. That is a very scary statistic. And I also remind people, and particularly where I come from back in Minnesota we still have an awful lot of farm families; in fact, many of the people who live in the cities like Rochester and Mankato and Winona and Austin and Albert Lea, they also understand that because many of them are no more than one generation removed from the farm.

But the American dream back in farm country is, very simply, to pay off the mortgage and leave the kids the farm. But, unfortunately, what has been happening over the last 30 years is that Congress has literally been selling the farm and leaving the kids the mortgage. I think we all know that there is something fundamentally improper about that.

Mr. Speaker, at this point, I would like to yield to my colleague, the gentleman from Arizona (Mr. HAYWORTH). It is nice to have him with me today.

Mr. HAYWORTH. I thank my colleague from Minnesota for yielding. Mr. Speaker, it is good to join him coast to coast and beyond through the facilities of C-SPAN.

There are many different ways to examine this debt. Mr. Speaker, lest there are those who join us who believe this is simply a statistical argument, I would urge them to think again. Because, as my colleague from Minnesota points out, this translates to a mortgage on the future of our children.

A lot of things have changed in the 3 years since a new common-sense, conservative Congress came to town. I can remember the almost dark humor that was employed that surrounded an item that each of us receive here in the Congress of the United States. It is our voting card. And the joke, which really was not so funny, that went along with this voting card went as follows:

The people here in Washington, inside the Beltway, said, oh, well, you now have the world's most expensive charge card because when you received your copy as a Member of Congress, it came with a debt in excess of $5 trillion.

My colleague from Minnesota broke it down for us, in fact, using figures that indeed came from the President's budgeteers, to his credit. He asked us to predict budgets into the future as this town was still held in the grip of a tax-and-spend philosophy; and it was the President's own budgeteers who told us if we did nothing but continue the cycle of debt and deficit and taxing and spending, then all our children could look forward to a future in which they would surrender in excess of 80 percent of their income to taxation.

So what we have to remember is that this debt does not deal with the whole batch of zeros attached to a large number; it is not something for the green eye shades or the new fancy calculators, but instead is something that families have to deal with.

What do I mean by that? My colleague from Minnesota, who has had a versatile time in the real world before coming to Congress, is a gentleman who worked as an auctioneer. He understands the challenge of family farmers and what goes on on the family farm in his district of Minnesota.

I represent a district in square mileage about the size of the Commonwealth of Pennsylvania, incredibly diverse from metropolitan Phoenix to suburban Scottsdale and Mesa, and then around rural areas from the small town of Franklin in southern Greenlee County, north to four corners of the Navajo Nation, west to Flagstaff and south again to Florence, there is incredible diversity. But all those diverse areas are held together by some basic economic truths, and those truths, among them centrally is this notion that as we move to reduce the deficit and, ergo, the national debt, as we move to fiscal sanity, we help families.

What do I mean? Well, my colleague from Minnesota is well aware of the appearance a couple years ago of Alan Greenspan, the chairman of the Federal Reserve, who projected what it meant to balance our Federal budget, as we now have done. He said that would mean a reduction basically of 2 full percentage points in interest rates.

Now stop and think, Mr. Speaker, and all my colleagues who deal with paying the family mortgage or paying off a loan on a family car or paying a student loan, think what a reduction in interest rates of 2 points means, especially on a 30-year mortgage. We are talking about thousands of dollars.

On a car loan over a span of 5 years, we are talking hundreds of dollars. And that money makes a difference. Because, in essence, what we pay, if you will, as we continue to generate deficits and have that large national debt is in essence a debt tax.

But my colleague from Minnesota who joined me here in the well of the House, as a Member of the new common-sense, conservative Congress in January of 1995, is well aware of what has transpired and the progress we have made. When we took office on that day back in 1995, the budgeteers in this town were saying that the annual deficit in the year 2002 would be some $320 billion. Today those self-same budgeteers say now, in the year 2002 there will be a surplus of at least, at least, $32 billion. Imagine what that means to the American people.

Again, my good friend from Minnesota has the figures, but more than that, has the stories of the American people and the folks in his district who are coming to grips with this and, by extension, how Washington is coming to grips with this challenge.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, I appreciate the point that my colleague has made, because I think sometimes when we talk about $5.5 trillion and $1.7 trillion and all of this interest and all of these numbers and all of these statistics, I think sometimes people do sort of tune out and they say, well, you know, that is green-eye-shade accounting stuff and it does not really matter in my life. But the point I make is that the debate about balancing the budget, the debate about ultimately paying off that national debt is really a debate about what kind of a future we are going to leave to our kids. I mean, is it going to be a future of hope, growth, and opportunity, or is it going to be a future of debt and dependency?

We have made some real progress. I want to talk a little more accounting talk about what this really means, because sometimes it is hard and you have to almost break this down.

What does $5.5 trillion in debt mean? If you divide that up by the number of Americans, 270 million Americans in this country, it works out to over $20,000 for every man, woman, and child.

My wife Mary and I have 3 children. If we multiply our family of 5, that means we have a debt hanging over our heads larger than the mortgage on our home. Now, we might say, well, but we do not have to pay that. Yes, we do. The interest has to be paid.

Last year we paid an average of about 7 percent interest on that national debt. Break that down and it works out to about $7,000 per family in interest that has to be paid. And people

say, well, I do not pay $7,000 in Federal income tax. The average family may not pay that much. But one way or another, that has to be paid. And much of that is hidden in the price of the products that we pay.

For example, a grocer buys a loaf of bread; whatever he pays for the bread, he has got some costs. He has got to pay salaries and he has got to pay overhead, but he also has to pay taxes. And hidden in the price of that loaf of bread when the consumer ultimately goes there and buys it for his family is the price of this interest bill that has to be paid. And that is distributed all through the economy because there is one debt that has to be paid. We have to finance that debt.

So what we are really talking about, for the average family, the interest on the national debt equals about the average family's house payment. And as the gentleman has indicated, if we began to use some fiscal restraint, if we began to do the things that I think the American people really want us to do, the good news is not only do you preserve a better future for our kids, but we are starting to see the benefits right now.

Real interest rates in the United States since we came to Congress have dropped by 25 percent. And we believe that they can drop more. Now that is perhaps the best tax cut we could ever give the American family because it affects their car payments, it affects their house payments, it affects how much that grocer has to pay, it affects everything.

So we came here and there was some serious problems. And I will never forget a farmer in my district, and I think sometimes farmers make wonderful philosophers, and we were talking about this debt and we were talking about taxation and the old suggestion or the old policy in terms of balancing the budget was, I know, we will just raise taxes. But if raising taxes had been the solution, we would have had a balanced budget long ago. My colleague is a little younger than I am, but when I was a kid growing up, my parents could raise 3 boys on 1 paycheck and part of the reason they could do that was because the average family in America sent about 4 percent of their gross income to the Federal Government. Today that number is almost 25 percent. And when we add total taxes, when we add State, Federal, and local taxes all together, the average family spends more for taxes than they do for food, clothing, and shelter combined.

There was a conversation going on here on the floor of the House earlier about why so many women have joined the work force. The truth of the matter is, a lot of moms have had to leave their families and go to work just to pay the taxes. And this old farmer in my district, and he said it so well, he said, "You know, Gil, you know the problem is not that we don't send enough money into Washington. The problem is that Washington spends it faster than we can send it in."

□ 2030

I thought, what a brilliant way to say it. The problem is that Washington continues, no matter how much money the American people were sending in to Washington, they always spent more. I do have some numbers. I used to have a chart, I have a chart somewhere. It is on my web site so if people want to look it up. But this is a great statistic. In the 20 years previous to our coming here, Congress spent on average a $1.21 for every dollar it took in. It really did not matter what the tax rates were. Taxes went up a little bit, then they went down a little during the Reagan revolution. But Congress tended to spend an average of $1.21 for every dollar it took in. That is the bad news.

The good news is since we came to Congress, that number has dropped to $1.01. This year we will actually for the first time, in fact the Congressional Budget Office tells us we will actually take in more than we spend for the first time since I was in high school. That was in 1969. We believe that if we continue that kind of fiscal discipline we will talk a little more about what that has meant and what we have done since we came here; frankly, what we got beat up for in the last election.

Do you remember the discussion? I am sure they ran many of the same ads against the gentleman from Arizona that they did against me, saying they were going to throw grandma out in the street, that the school lunch program would stop, that Medicare is going to be destroyed and all these things are just going to come to a screeching halt. And guess what? It was not true. We did make some serious changes, though. We did reform the welfare system. We need to talk a little bit about welfare too, I think, tonight, the good news about welfare reform, and of course it has saved money. It has saved a little money to the Federal Government, it has saved a lot of money for the States.

The reason is welfare rolls around the United States have dropped dramatically. That is partly because of our reform and it is partly because of a stronger economy, and frankly I think the two work hand in hand. But because of what we did, because of the welfare reform and because of that stronger economy, the really good news is this, not just that we are saving money but 2.2 million American families who were on the welfare rolls have now moved onto payrolls.

I want to share a story tonight if I could. I was at a school in my district, we were talking to some of the teachers. We talked about title 1, we talked about title 3, we talked about some of the other school problems. Finally, one of the teachers said, "Of all the things you guys have done, the single most important I think is this welfare reform." I said, "Really? Why do you say that?" She said, "Let me tell you a story about a little boy in my classroom." She said, "Let's call him Johnny." All of a sudden Johnny started to behave better. He had a better attitude. He was a better student. He was a better kid in every respect. Finally the teacher said, "Johnny, is there something different at your house?" The little boy said, "Yeah, my dad got a job." It is easy for some of us who have had at least one job since we were 15, as a matter of fact during a lot of my lifetime I have had two jobs. It is easy for us to sometimes forget that a job is more than the way you earn your living. A job helps to define your very life.

We have given a certain number of American families just a little nudge and moved them off the welfare rolls and onto payrolls. As I told people, the real goal of welfare reform was not so much to save money but it was to save people. It was about saving families. It was about saving children from one more generation of dependency and despair. That is just one area we have reformed. We have reformed Medicare and other things.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank the gentleman from Minnesota. I do not believe too much can be said about what welfare reform means. I think part of it, the gentleman talked about some of the static, if you will, and the disagreement in terms of public policy and, to be diplomatic, the efforts by some within the liberal community to paint a false contrast of caring. But, Mr. Speaker, the true measure of compassion and caring is not the number of people added to the welfare rolls. Quite the contrary, it is the number of people who are able to leave to become gainfully employed, to take pride in themselves, pride in their endeavors and as my colleague from Minnesota points out, there is no greater social program than a job, a job where people can work to earn a decent wage, to have pride in themselves, to have a portion of the productivity and the fruits of their labor, and it does wonders. That is what is vitally important.

So your teacher in the district had it absolutely right. That is what I hear in many parts of the Sixth District, that work makes all the difference in the world. What we have seen is a change in attitude. We have changed the paradigm, in that buzzspeak of the late 1990s, to take a different outlook.

In my district, in the town of Holbrook, a lady named Pee Wee Maestas told the same story, how she privately would invite the young unwed mothers of her town to come to work at her

small restaurant, to have a chance to work before there was this official welfare reform, and inevitably she told me nine times out of 10 the call would come from one of the young ladies about 3 weeks into her work program. The call would come, "Gee, Pee Wee, I really appreciate what you're doing for me, but, you see, the government pays me more to stay at home and do nothing than to come down and get a job."

What we have done is to change that thinking, turn that paradigm around, say there is value in work, there is pride in performance, and as we measure the true barometer of compassion, it is found in gainful employment, where it was said by one of our dear friends from Texas in the other body, ensuring that yes, there is a safety net but that that safety net does not become a hammock.

Mr. GUTKNECHT. I think that is the wonderful thing. It is not just about welfare reform. It is also about Medicare reform. In fact, most Americans are not aware, again I am on the Committee on the Budget, the gentleman from Arizona is on the Committee on Ways and Means. Sometimes we risk sounding like accountants, but I think sometimes numbers do illustrate very powerful points. Something most Americans do not know and we need to remind them as often as we can, that 53 percent of the Federal budget is what we call entitlements; in other words, things that have to be paid, Medicare, Medicaid, Social Security, welfare. Those are the 4 largest entitlements, 53 percent. That had pretty much been put on autopilot. That happened in Congress back in about 1975.

The important thing this Congress did when we came here is we said, "We've got to get control of entitlements. Because if we don't control entitlements, they're going to eat us alive." Entitlements were growing at something like 10 percent per year at a time inflation was only going up 3 percent. This is where we had some very pivotal fights here on this floor and ultimately I think that were played out in many districts around the United States in the last congressional elections where there were ads run that said, you know, if so and so has their way, kids are not going to get school lunch and if so and so has their way kids are going to get thrown out in the streets and Medicare is going to, quote, wither on the vine, which was, I was going to say deceptive, but it was downright dishonest.

The truth of the matter is what we did is we slowed the rate of growth of those entitlements, we have dramatically slowed the rate of growth. We have encouraged work, we have encouraged personal responsibility. Even more important than that, we have encouraged families to stay together. The good news is it is working. It is working in part because of the kind of faith that Ronald Reagan had in the system and in the American people. He believed that if you give them just a modest amount of incentive to do the right things; in other words, lower the capital gains tax rates by 30 percent, which we did, you will encourage people to invest and save for their future. When they do that, it means there is more capital to expand businesses. It makes it more opportunity for all Americans. If you give people a little incentive to get out and work, people will work. People want to work. The real tragedy of American compassion was we had been so compassionate that we have destroyed people's initiative, their sense of personal responsibility, and their desire to build a better life on their own.

I want to come back to a couple of more charts and if we can, I want to talk a little bit about why the American people I think sometimes distrust what is happening here in Washington. Sometimes I say to myself, why should they not distrust it because there have been so many broken promises. Let us give one example.

Remember in 1987 we had the Gramm–Rudman bill. The Gramm–Rudman fix is this blue line right here. Basically they said we will use budget mechanisms to slow the rate of growth in Federal spending and by 1993 we will balance the budget. That is the blue line. Here is what really happened. The reason of course is Congress did not have the courage to face some of those interest groups, to slow the rate of growth of entitlement spending, to eliminate Federal programs as we have, and we will talk a little bit about that as well. And so as a result, we had the Gramm–Rudman fix but all we got was a broken promise.

But down here, what has really happened since 1994 we see, the elections of 1994. This is what our plan was, to balance the budget. It was not a perfectly straight line. We had a 7-year plan to balance the budget. Here is where we are. In fact, we have a balanced budget today.

How has that happened? A couple of things have happened. Most Americans know that at least on the revenue side because we have had a stronger economy, because interest rates have gone down, there is more consumer confidence, there is more confidence on Main Street, there is more confidence on Wall Street, the economy is stronger.

Everybody knows that we have taken in more revenue than we expected in our original 7-year balanced budget plan. What most Americans do not know is we have actually spent $50 billion less than we said we were going to spend in the summer of 1995, when we passed that 7-year balanced budget plan. Frankly, I cannot blame the American people for not knowing that because the truth of the matter is most Members of Congress do not know that, that we have slowed the rate of growth that much in entitlements plus we have eliminated over 300 programs.

I tease people sometimes. I say, "How is your coffee today?" They say, "well, it tasted like it always does." I said, "Well, that's interesting. We eliminated the Coffee Tasters Commission." We eliminated a lot of commissions. We eliminated a lot of needless government. We have folded a number of programs together. There is so much more to be done. The truth of the matter is the more you get inside the budget, the more you realize there is still an enormous amount of duplication, of waste, of fat in this budget, but we have made enormous progress. We have dramatically slowed, in fact we have cut the rate of growth in spending almost in half. You combine that with a stronger economy and it is relatively easy to balance the budget.

Mr. HAYWORTH. I think what the gentleman says bears repetition, because there is a tendency in our fast food, perishable throwaway society to forget some events that make up if not current events, then rather recent history. While there were many—it was interesting, the paradox at work in 1996 in the 104th Congress. There were those who attempted to paint what ultimately turned out to be an inaccurate picture for political reasons. There were others who were champions of the conservative cause who said, "You haven't gone far enough, New Majority," and we understood and sympathized with that point of view. Yet even with the challenges confronted within our constitutional republic and our unique system of government, still what we were able to do was to reverse for the first time in the postwar era the notion of constant growth of government, not only the elimination of more than 300 wasteful and duplicative programs and boards of absurdity, if you will, such as the Coffee Tasters Commission, but also in the process holding on and refusing to spend some $54 billion.

That is something that cannot be overemphasized, because what that signaled to Main Street, to Wall Street, to our friends internationally and most importantly to the American people, although sometimes it gets lost in the context, was a willingness to say that government has grown too large, it has continued to grow out of control, we are going to rein in the growth of spending for spending sake. We are going to have controlled growth in a variety of areas where growth is not a bad thing and we are going to cut it out in those areas where we can, to eliminate the waste and fraud that had been so much a part.

Please do not misunderstand me, Mr. Speaker. There is still a long way to go. But that pivotal step in the 104th Congress amidst all the wailing and

gnashing of teeth, amidst the, shall we say, inaccurate political ads that littered the landscape, made a key difference. There is no escaping that fact. Indeed, as we look back to the changes that brought us to where we are today, I believe it can be argued that the strong hand of fiscal sanity from this, the legislative branch, helped the American worker succeed and helped show Main Street, Wall Street and everyone on every street the seriousness of our endeavor and that words were backed up with actions.

Mr. GUTKNECHT. I just want to remind my colleagues or people who are listening that the information we have has all been scored by the Congressional Budget Office and is available to them. We are happy to share it with any of our colleagues. I just want to come back to that very important number, that for the 20 years previous to our coming here to Washington, for every dollar that Washington took in, it spent an average of $1.21. Now last year it was $1.01. This year we will actually have for the first time a surplus. Frankly, I believe the surplus is going to be much larger than the Congressional Budget Office says it is.

□ 2045

And it has happened, hatched through a combination of efforts. It has happened because we have had the courage to eliminate programs, we have had the courage to fold programs together, we have had the courage to tackle those entitlements, to reform welfare, to reform Medicare, to reform Medicaid and begin to put back on a commonsense course what I think the American people have wanted the Congress to do for so many years.

In some respects it is, you know, those of us in Washington and those of us with election certificates sometimes want to take more credit than perhaps we really deserve. The credit really does go to the American people. They have been way out in front of the Congress for so many years. They understand.

You know the average family, this is another thing that I find when I talk to regular folks, how they balance their budgets. The average family, and you may know this, J.D., the average family in America today clips over a hundred million coupons from the Sunday newspaper. They sit around their coffee tables, their kitchen tables, and they clip over a hundred million coupons out of their Sunday papers, worth an average of 53 cents. They watch their pennies, and they make certain that they get good value for every dollar that they spend, and as a result that is how they balance their budgets every week, and frankly that is what they expect from us. They expect us to watch our pennies to make sure we balance the budget.

I want to show another chart here, and this just underscores what we have been talking about. This is sort of where we were, this is what we have done, and this is where we are going. And I think we need to spend a little bit of time tonight to talk about, you know, it is great that we finally turned the corner and we are moving towards what I think will be a future, assuming the American people do not decide to turn back and change course and go back to tax and spend and some of the failed policies of the past. Unless the voters decide to do that this November, I think there is a very good chance that we will see surpluses well into the future.

Now that is good news, but we have to think a little bit about what are we going to do with that. Are we going to start to pay down some of that debt? And I have become a supporter and an advocate of a plan—well, I will show another chart in a minute. Maybe we ought to talk about this chart because this is a scary chart, and this is what this demonstrates, what we agreed to with the White House; and I think you know this, Congressman HAYWORTH, that last year on August 5, the President and the Congress came to a very historic agreement, and we put in place spending caps within what are called the discretionary accounts on how much we can spend in each of the next 5 years. And the blue line represents what those spending caps are. The red line, unfortunately, represents what the President has proposed in the budget that he submitted to Congress just about a month ago. And this is of great concern because over the next 5 years the President wants to spend about a hundred—almost $150 billion more than we agreed to spend just last year.

Now worse than that he wants to raise taxes and fees by about $130 billion, and that is where the battle is going to be fought over the next several months as we argue about the budget. Now if we have the courage to stick to our agreement, and in fact I have said that I think Congress ought to live up to its end of the bargain, even if the President does not want to, and we are going to have a fight here on the floor of the House very soon about a supplemental appropriation bill and whether or not that should be offset with spending cuts elsewhere in the budget. I happen to believe that it should. It is about keeping faith and it is not just about keeping faith here now with the agreement, it is about keeping faith with the American people and ultimately with interest rates and the money markets because they are watching, are we serious.

And I yield to my friend from Arizona.

Mr. HAYWORTH. I thank my colleague from Minnesota, and again I think he points out the key issue that confronts us, because there will always be those who find themselves susceptible to the roar of the grease paint, the smell of the crowd, and the adulation of those for whom they can try to find more spending or they can paint an incredibly rosy scenario but fail to offer the price tag along with it.

And indeed, Mr. Speaker, I would argue the reason there is such cynicism among citizens of this Nation and so much "We will believe it when we see it" is because of two factors: No. 1, in so many ways the repeated contradictions in policy pronouncements and other actions that emanate from the other end of Pennsylvania Avenue, policy with a wink, a nudge, a smile, and, sadly, policy that does not equate with agreements nor an acknowledgment of reality in very many cases. And so given that, coupled with the fact that previous Congresses, as my colleague from Minnesota points out, spend an average of $1.21 for every dollar in taxation, that explosive combination has led to the cynicism there.

And again, right here on this chart my colleague shows us, again based on the numbers from this administration, that, sadly, they are willing in almost hauntingly familiar tones, in a very real policy sense, to break a commitment.

There are reasons why within our constitutional republic we have many different tensions. We have the challenges of the executive branch and the legislative branch and the judicial branch of government, and we have different outlooks and philosophies. But when we put aside our differences and make a commitment, the American people deserve that the commitment be upheld, not swept away in roguish embellishment of oratory and a little something for everybody and pet projects based on emergency focus groups to focus attention into a type of Nirvana.

No. What this needs to be based on is the truth, and basic choices, and basic agreements and bedrock principles that this Nation should not spend more than it takes in, that we should all live within our means, that by holding down spending and reaching agreements we could allow the American people to hold onto more of their money and send less of it here to Washington because after all, Mr. Speaker, that is the central truth here. All the money we have talked about, all of the figures we have offered tonight, large, small, and in-between, one central fact is inescapable; the money does not belong to the government, it is not hoarded into the Treasury. The money belongs to the American people who voluntarily, although with some reluctance, confer it and offer it to the government in the form of taxation.

We ought to make sure that American families continue to hang onto more of their hard-earned money to save, spend, and invest as they see fit. Why should a family have to change its plans and priorities and make sacrifices so that Washington bureaucrats

can make decisions? We believe the opposite should be true, that Washington ought to alter its behavior and make sacrifices so the American families can realize their own dreams and their potentials, and that is the importance of the agreement we reached, setting aside some partisan and philosophical differences, and that is the very real danger we confront at this juncture in our constitutional republic, eerily familiar in so many different areas, when some in this city and nationally want to abandon commitments they made.

Mr. GUTKNECHT. If the gentleman will yield back, and I think it is a telling point because particularly you get out on the farms where I come from and you go to an auction and literally 100,000 pieces of equipment are bought or sold, and sometimes all that is really exchanged on the day of the sale is a handshake; a handshake, and people out there believe that handshake means something. And frankly, out there, and without being overly disparaging of lawyers, they tend to resent that, the whole notion that something has to be written down on paper and that you need a contract, although we have contracts and we have attorneys and I do not want to sound—but there is still an awful lot of old farmers who believe that a man's word is his bond and that when you make an agreement, and I want to remind my colleagues, you know, we did not make this chart up. I mean, this is according to the Congressional Budget Office. They are nonpartisan, this is not a Republican chart. This just shows what they believe we agreed to last year on August 5, and then they have overlaid what the President is requesting in his budget, and the two numbers are quite divergent. And this is really about trust, and it is about faith and it is about breaking faith with an agreement that we had.

The problem, of course, is a lot of people around this town are saying well, yeah, but that was then this is now, and the economy is booming and unemployment is down and more revenues coming into the Federal Government, and we have got to spend more money on all these programs.

But is that not what got us into the mess in the first place? I mean, is that not really—the heart of the problem is it is so easy to spend other people's money, and it is even easier to spend people's money who have not even been born yet. And that is where we got into the problem in borrowing against future generations of Americans without their consent. And that is why Jefferson warned over 200 years ago that public debt was one of the greatest evils to be feared, and this represents turning away from the direction that we have been on for the last 3 years and saying well, yeah, now things are good, let us go back and begin to resume spending normally.

And we are going to have some really heated debates and fights here on the floor of the House and in the Committee on the Budget and the Committee on Ways and Means, but I think it is so critical that we keep that faith, that we say not only to Americans living today but generations of Americans yet unborn that we were serious, we meant what we said, we said what we meant; our agreement was we would limit and cap spending, and we are going to do the best to keep that cap.

Mr. HAYWORTH. And it sets up another challenge because as we transition from the policies and the politics of debt, if you will, to the policies and politics of surplus, that can be fraught with challenges as well. We have seen one of the temptations here to say, well, there is a surplus so let the good times roll, let us spend as if there is a never-ending spending spree.

And it reminds me, if I can personalize this to a certain degree at my own expense and self-deprecation, Mr. Speaker, and viewers from coast to coast will note that some would say I have somewhat of a robust physique. One of the challenges I face is when I go on a diet and I lose 5 to 10 pounds, I celebrate by cracking open a pack of cream puffs. That kind of defeats the purpose. And I do not mean to trivialize this debate but try to bring it home because it is so easy to rush back into old familiar habits that may not be good for us and in the process negate the very real progress that has been made, and, doubly defeating, rush right back into the failed policies of taxing and spending and debt and deficit and create conditions that, far from a continued and sustained growth pattern economically, lead us back into cycles of boom and bust.

Indeed, much talk has been proffered around this city of dangerous schemes. I can think of no more dangerous scheme than to rush headlong back into the failed policies of the past, try to claim everything for everybody and promise everything except stronger shoelaces through increased Federal spending, and then continue to ask for more and more and more of the American people's hard-earned paycheck.

My colleague from Minnesota, and indeed the delegate from the District of Columbia, in the preceding hour, I believe, offer a compelling case. The gentlelady from the District was talking about the choices of women in the workplace and the challenges of economic equality, and certainly I agree with a portion of what she had to say. But as my colleague from Minnesota pointed out earlier, one of the problems we face today in two-parent households is the fact that both spouses ofttimes have to work, not by choice but by necessity, one spouse working to essentially pay the tax bills of the family so that the other spouse can bring home the paycheck.

And while we have those conditions right now, we need to look at a way again to move forward to cut taxes further. We made a modest start last year. I think we will take another step this year, but, again, to continue to allow families to hold onto more of their money so they can save spend and invest it.

Mr. GUTKNECHT. Mr. Speaker, I think we need to remind people what some of the cynics said. We originally came to Washington and said, you know, we are going to limit the growth of entitlements, we are going to cut domestic discretionary spending, we are going to put a flexible freeze on defense spending, and we are going to cut taxes, and we are going to balance the budget.

□ 2100

The cynics said you cannot do that; I mean, you cannot balance the budget. In fact, you used the term earlier, you blow a hole in the budget. That is a reckless scheme to want to balance the budget while you are kiting taxes, because some of our liberal friends believe that it is their money and that Washington can spend it best; the last thing we should ever do here in this city is cut taxes on American families.

But thanks to the leadership of the chairman of the Committee on Ways and Means and the leadership here in the House as well as the Senate, they said no, no, we are going to balance the budget and we are going to cut tax.

We even had some of our Republican friends who have criticized us because the tax cut was not large enough, but I would tell you this, for a lot of families in my district have figured out it is $400-per-child tax credit this year and $500 next year.

I was in a radio station, and one of the people who worked there, I was trying to explain this to. We had a radio town hall meeting. He said, wait a second. Let me see if I understand this. I have got three kids, and they are all under 17, so you mean I get to keep an extra $1,200? I said yes.

I know to some of our friends $1,200 is not a whole lot of money. But to a lot of typical families out there, $1,200 is a lot of money. That will help pay for a vacation. That will help pay for an addition onto the home. That will help pay for a newer car. It will do a lot of things for that family.

Our friend from Texas, Senator PHIL GRAMM, one day he really said it so well. One of his colleagues said this is about how much we are going to spend on children and their education and their health care. He said no, no. This is not a debate about how much we are going to spend on children or their education or their health care. He said, this is a debate about who gets to do the spending.

He said, I know the family, and I know the Federal government, and I

know the difference. We all know who can spend that $1,200 smarter. We know that that family can.

It was not just the per-child tax credit. I want to give a lot of credit to Senator ROD GRAMS from my home State of Minnesota, because when he first came here as a freshman Member of this House, he made the per-child tax credit one of his top priorities. He doggedly has pursued that, and ultimately it has become reality. He deserves a lot of credit. So I want to at least acknowledge my colleague from the other body from my State.

The other thing we did is we said, you know, for the typical family, one of the worst fears that most American families have is when their oldest child begins to look at college catalogs. They begin to say, wow, I had no idea it was going to cost this much.

When you are paying 38 percent of your gross income in taxes and you have got a mortgage over your head and you have got to pay for all these sneakers and everything else it costs to raise kids nowadays, most families are not able to save enough money to send their kids off to college or technical schools.

We said there is a real problem there, and that is one area we ought to give families another little boost. So we provided the $1,500-per-child HOPE scholarship. It is going to make it a lot easier for a lot of families to send their kids to school and get the education they are going to need in an increasingly competitive marketplace.

So that was not the end of it either. We said we ought to encourage families to invest and save for their future. So we gave them almost a 30 percent cut in capital gains taxes. Guess what? Revenues have gone up geometrically because people are investing, people are saving, people are selling assets, people are trading, businesses are being bought and sold, assets are being bought and sold, farms are being bought and sold.

I will tell you a story of a farmer in my district who lives near Faribault, Minnesota. He would call me about every month, and he would say, Mr. GUTKNECHT, when are you guys to cut this capital gains tax because, you know, I want to sell my farm, and I have got some people who want to buy it, but I do not want to pay all that money in capital gains taxes. He said, I believe you are going to cut that capital gains tax, and I am not going to sell my farm until you do.

I think he represented literally millions of Americans who are sitting on assets that actually would have been better in the hands of someone else, but they did not want to pay that high capital gains tax. We lowered the rate, and guess what? Total receipts have gone up geometrically.

Mr. HAYWORTH. Mr. Speaker, as the gentleman from Minnesota tells us the story of real people in his district, I could not help but reflect, listening to the opportunities for tax relief offered last spring by this 105th Congress, taking a look at the opportunities that exist.

I look at the tremendous number of housing starts, and I look at the homes now throughout north Scottsdale, and the East Valley around Mesa in the Sixth Congressional District of Arizona.

I take a look at what has transpired because of capital gains tax relief for the average family selling their principal residence and moving into another house. A married couple able to have and reinvest profits in the sale of a primary residence up to half a million dollars, or a single person hanging on and having tax-free profits up to one-quarter of a million dollars. Again, for a lot of people, the figures are not that high, but they are just as dramatic an opportunity.

And other opportunities that we have opened up in terms of home buying. I take a look at the new Roth Individual Retirement Accounts. I think about and I reflect back on our early days of marriage when Mary and I were trying to buy a home. Yes, I had a conventional IRA or what the tax law provided at that time, and I was a private citizen. How I wish I had had an opportunity with a Roth IRA to have money invested for 5 years in that type of forced savings program that could be taken out, penalty free, at the end of 5 years as a down payment on a first purchase of a home, what is so vitally important.

I think about young Americans 5 years hence as we continue to sustain this economic growth in part on some very simple commonsensical philosophies of tax relief, allowing Americans to save, spend, and invest their own money, because there is no greater myth ever articulated in this Chamber than those who would try to drive the wedge between economic stations in life, to claim that tax relief helps only the wealthy.

Because even as the gentleman from Minnesota told about one of my former colleagues in broadcasting, I thought about the young man in Payson, Arizona who owns a print shop, who I saw the other week at a luncheon, who has four children, who the per-child tax credit will help immensely with $1,600 staying in that family budget, and then elevating that to some $2,000 on next year's tax return with the $500-per-child tax credit.

Yet, our challenge, Mr. Speaker, is how do we expand this, because I will go in other town halls in communities like Maricopa, just south of Phoenix in the metropolitan area, and have people come to me and say, look, I am not married, I do not have a child, I do not have any of those targeted areas that are covered with tax relief right now. What about my circumstance?

And so one of the things we are examining is how to broaden that base and how to offer simple, sane, reasonable tax relief to even more Americans. And that is one of the challenges we confront.

But it is vital to remember that these are not the stories of micro or macroeconomic incidents in a textbook or even despite the graphic nature of these charts that have been presented tonight, Mr. Speaker. No, these are the stories of flesh-and-blood families in the American heartland who may have studied economics but who know the reality of their economic situation, who sit around the kitchen table on a weekly basis making those tough decisions that have the most impact on their futures, decisions about education for their children, decisions about how much to put away, to save, spend, and invest if that is possible, decisions about mom joining the work force, ofttimes out of necessity rather than choice.

In this land of the free, we must work to ensure economic freedom and prosperity by allowing people that freedom to make decisions based on what they feel is best for their family, not on what some Washington person feels is best for some Washington program.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield, I just want to go over just a few of the facts. And one of my favorite quotes is from John Adams. And he said that facts are stubborn things. And you know Winston Churchill said it slightly different. He said, you can ignore the facts, you can deny the facts, but in the end there they are.

The facts are these: Since we came here, the deficit has been slashed. And for the first time since 1969, we have a balanced budget. That, in part, has driven interest rates down by 25 percent. The stock market has more than doubled. Eight million new jobs have been created. Unemployment is lower than it has been in 27 years. Violent crime is actually down to its lowest point in 24 years. We cut taxes for the first time since Tiger Woods was 5 years old. That is an amazing thing when you think about that.

We have allowed families to keep and invest more of their money. We have made it easier for them to send their kids on to higher education. Over 2 million families have gone off the welfare rolls and onto payrolls. We have eliminated over 300 government programs.

Well, the American people expect results. We are a results society. We have produced some results. But there is so much more to be done. I think we do need to spend a few minutes talking about will we return to the old policies of tax and spend, or will we start to take some of those surplus dollars that we believe are going to be created in the next several years, and are we

going to start to pay down some of that debt.

There was an architect from Chicago, and he said something very simply but very powerfully. He said, make no small plans. If you think about that, the American people have always been big dreamers and big thinkers.

The people who came here, our ancestors, as Winston Churchill said, you did not cross the oceans, ford the streams, traverse the mountains, and deal with the droughts and pestilence because you were made of sugar candy.

I think the American people have always wanted big dreams and big goals. I think we ought to set this goal and this marker out before the American people. I think we ought to pay off that $5.5 trillion worth of debt in this generation.

The fact of the matter is, if we will exercise the same kind of fiscal discipline that we have exercised for the last 3 years, if we will limit the growth in Federal spending to about 1 percent greater than the inflation rate, the good news is pay off the debt in 22 years.

I cannot think of a better thing to leave our kids than a debt-free future. It is within our grasp; that can be done. What is the great news about that? It means they do not have to pay that $7,000 per family in interest that ultimately gets paid today. It means we leave our kids a brighter future, and we do what those farmers talked about, as I mentioned earlier. You pay off the mortgage and you leave your kids the farm. In some respects, that is generational fairness. That is generational equity.

As you pay down that debt, the good news is 40 percent of the debt is owed to the Social Security trust fund. So you make Social Security solvent again. Congress has been borrowing from Social Security since 1964. I think, again, we all know that is wrong. We have been borrowing from our kids, and we have also been borrowing from our parents. I think it has been left to our generation to make things right. So we are headed in the right direction.

I am delighted that you joined me tonight. If you have got any closing remarks, we certainly would like to hear them, and we will yield to the next speaker.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Minnesota very much. I would simply remind all of us assembled of the observations of Abraham Lincoln, who reminded us that you do not strengthen the weak by weakening the strong; that you do not enrich the poor by sending impoverishment upon the well-to-do; that, indeed, our strength is not from finding divisions among us bred from envy; but, in fact, the American dream is best summed up by allowing all families the freedom to pursue faith as they see fit, to reinvest faith in this remarkable grand experiment called the United States, by letting them choose their destinies with their economic resources for their futures and the future of their children.

Let us all pledge to do that, no matter our partisan stripe or political label. Even though we champion disagreements within this Chamber, we will be better off. The American Nation will be better off because we recognized these basic truths. Again, I thank the gentleman from Minnesota and the American people, Mr. Speaker, for this time in this Chamber to discuss these topics.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Arizona for joining me tonight, and I just want to say that sometimes, as I said earlier, we talk about these issues, and we sound as if we are accountants, and we talk about numbers and statistics, but in the end, this is really about what kind of a country we are going to leave to our kids.

□ 2115

And it is about what kind of a country we are going to have for ourselves. Is it going to be a future of debt and dependency, or will it be a future of hope, growth and opportunity?

The good news is we have made so much progress, but we still have those challenges. There are people who want to turn back to the old policies of tax and spend, but as long as we are here, we are going to fight the good fight. We have been making a difference, we are going to continue to make a difference, not just for this generation of Americans, but for generations of Americans to come.

SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 60 minutes.

Ms. SANCHEZ. Mr. Speaker, I am here today with my friend and colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) to host this special order on one of the most important needs of children today, and that is the need that I call "the fourth R," the need for room.

There has been much talk about school construction needs. That is because schools across America have reached their breaking point. I know this is true because I have visited over 70 schools this past year alone in my district, and I have witnessed firsthand how schools are trying to house double the numbers of students they were originally meant to accommodate. I have seen auditoriums and closets converted into classrooms; and I have seen more than enough portables take over the school grounds.

To highlight the need for legislation addressing school overcrowding, I invited Vice President AL GORE to my district last week for a town hall meeting on education, and during this town hall meeting the Vice President spoke with students and parents and administrators about the daily challenges they face due to crowded schools and classrooms. The stories we heard were heartbreaking.

Elementary and junior high school students talked about no longer having playgrounds because 19 portables took up the blacktop at their junior high school. Parents discussed the difficulties over constant scheduling changes due to double sessions and year-round schooling.

It is disappointing to see the public school that I went to as a child in such bad condition. Remember, I represent my own hometown. But I know that the Federal Government can assist our schools with the infrastructure needs. The Federal Government can help local schools without threatening local control. We can help schools save money in interest costs and give local investors a Federal tax break.

My colleagues might ask, how can we do this? Through the legislation offered by myself and the President that will create new bond programs designed to give our schools the helping hand they need. It is a partnership between national government and local school districts and, really, the business community.

These bond programs would offer interest-free bonds to schools seeking to finance new school construction or renovate aging schools. The Federal Government would provide a tax credit to investors in the amount of the interest that would otherwise be paid by the school.

One of my local school districts, for example, Anaheim City school district, with elementary schools has a bond initiative on April 14. It is going to be on the ballot, and it is to pass to raise monies for a new elementary school. If local voters approve this bond initiative, it would raise almost $48 million to rehabilitate schools and to build new classrooms for children.

My bill, the Expand and Rebuild America's Schools Act, could save Orange County taxpayers millions of dollars in interest costs and keep more taxpayer dollars at home at the local level.

Let us give our schools a fair shake. Let us give them a chance to help themselves. This Federal tax break will lighten the load on local taxpayers. As an investment banker, I know this program can work. It will provide stimulus for local schools to pass bond initiatives and encourage private investment at the same time.

Congress must pass meaningful legislation this year for school construction. We can help our schools through

tax incentives and through Federal bond programs. I am looking forward to hearing from my colleagues about their efforts to address school construction needs and how their schools can benefit from Federal legislation.

I would like to thank all of my colleagues for joining me this evening. At this time I yield to my colleague, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I am pleased to join the gentlewoman in this special order this evening and I am pleased to join my other colleagues as we discuss school construction in our districts. We repeatedly say that our children are our future; we talk a lot about preparing that bridge to the 21st century. Well, Mr. Speaker and colleagues, the investment in our children and their education is the strongest bridge that we can build.

I have listened time after time to the ongoing debate about private versus public education. That discussion is not productive, because today our schools are far from being on a level playing field. The fact is that our public schools have not been provided with the tools they need to prepare our children, to educate them, and to help them develop into the productive citizens that they can be and whom we need to enable this country to compete globally.

Primary among the deficiencies which impede the proper education of our children is the fact that in all of our districts, States and territories alike, there are too many schools which are dilapidated, unsafe, or do not have the necessary infrastructure to accommodate the technology that is needed to educate our children for this century, not to mention the next one.

My district, the Virgin Islands, is currently plagued with schools that are structurally inadequate, mostly due to damage from several powerful hurricanes over recent years; but insufficient funds to properly maintain the facilities have also taken its toll. Last year, the Virgin Islands Department of Education reported that there were air-conditioning deficiencies, inadequate infrastructure, shortages of classroom space even at the kindergarten level, dysfunctional locker rooms and bathrooms, lack of water fountains, substandard cafeteria facilities, potentially dangerous electrical hookups, and more. In fact, the St. Thomas–St. John district proposed repairs of new construction totaling over $40 million. At least the same amount will be needed to bring St. Croix's long-neglected schools up to standard as well.

So, Mr. Speaker, if we indeed believe that the children are our future and that the work of our village is to be the raising of our children, we are not doing the very best job. In fact, the majority of America's children who happen to be in the public school system are being neglected.

I feel that just as it is a criminal offense for families to neglect children, it is also a criminal offense that it happens within America's family, and it is to our shame. The children of this country spend most of their waking hours in schools. Looking at the schools we give them, we are saying to them day after day that we do not care about their well-being or their education.

And Mr. Speaker, they are getting the message. They are letting us know in clear messages of their own just how they feel about it.

So we cannot speak about improving education or opportunity in this country if we do not begin by putting the facilities in which our children spend most of their time, our schools, in order.

That is why I support the President's initiative which provides over $22 billion for school construction bonds, as well as the legislation of the gentleman from New York (Mr. RANGEL), the Public School Modernization Act of 1998, which provides for an education zone program, as well as a school construction bond program; and I also fully support H.R. 2695, the bill sponsored by the gentlewoman from California, the Expand and Rebuild America's Schools Act which would set up a pilot bond program to assist local education agencies and provide additional classrooms necessary to meet the ballooning needs of those communities.

These are initiatives that put our money where our children are.

Mr. Speaker, I want to take this time to commend my colleagues who have provided leadership on this issue, such as the gentlewoman from California (Ms. SÁNCHEZ) as well as the gentleman from New York (Mr. RANGEL), the gentlewoman from New York (Mrs. LOWEY), the gentleman from New York (Mr. OWENS), and others who have labored long in this very same vineyard. I am pleased to join them in supporting the bill of the gentlewoman from California (Ms. SÁNCHEZ) and the American public schools and supporting our children. I will continue to do so as long and until all of the needs of our children are met.

Mr. Speaker, before I close and turn this over to my colleague who will be speaking, I want to take the opportunity to welcome the gentlewoman from California (Mrs. CAPPS). I was not able to be here when the gentlewoman was sworn in last week, and we welcome her in many respects, but we know that she has been committed for a long time to our children and that she will join us as we work to provide better schools for all of America's children.

Ms. SANCHEZ. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my good friend, the gentlewoman from California (Ms. SÁNCHEZ) for organizing this special order this evening and for giving us an opportunity to focus attention on the urgent needs that our States and our communities have as we work to provide schools, quality schools and quality facilities for our children so that they can meet the challenges of the 21st century.

Mr. Speaker, I could not help but think as the previous speakers were talking and both of the gentlewomen were talking about school construction, what a different world it would be if children could vote. We would not be arguing about school facilities this evening; we would have them. We would not be talking about the need for infrastructure and having the kinds of technology that our schools need, and we would not be talking about all of these things that children need to be prepared for the 21st century. We would have it.

Mr. Speaker, prior to my service in this body, I served for 8 years as the elected superintendent of schools in the State of North Carolina. I have probably spent more time in school classrooms than any other member of this Congress.

In fact, just this morning, I taught all the 6th graders; well, I am not sure I taught, I spoke with the 6th graders at Terrell Lane Middle School in Louisburg, North Carolina, and we talked about the government and how they respond to government. We had a delightful time. But I can tell my colleagues from my experience that there are some wonderful things going on in the public schools in my State of North Carolina and in the schools across the country.

I can also tell my colleagues that we need to invest to upgrade our infrastructure, to relieve the overcrowding, to reduce class sizes, and to restore a sense of order and discipline for a solid learning environment in the schools of this country. Every day in America countless elementary and secondary school students are forced to attend classes in trailers, closets, portable classrooms, and substandard facilities.

In Wake County, which happens to be the county of our capital city, that county has 13,000 children who go to school every day in a trailer. In fact, in communities throughout the United States, we have an urgent need to build new schools, reduce overcrowding and class sizes, and improve good discipline and provide for quality instruction.

The General Accounting Office has officially estimated that nationwide, there exist in America some $112 billion in unmet needs for modern school facilities. That does not even address the need for technology. In North Carolina alone, the School Capital Construction Study Commission reports

that the most comprehensive study that has ever been done in our State identified school construction needs of more than $6.2 billion worth of needs.

As a former school superintendent of schools, I know that we cannot expect our children to learn in substandard physical facilities. We cannot ask our teachers to maintain the kind of order in an environment that is conducive to learning if we relegate them to second-class infrastructure. We cannot adequately prepare the next generation to tackle the challenges of the 21st century if we fail to meet the needs of modern school facilities.

We would not dare, at a Chamber of Commerce meeting, to invite a new business to town and put them in the kind of buildings we put some of our children in to learn.

□ 2130

The problem is bad, and it is getting worse. Growing communities suffer under tremendous strain of overcrowded schools. Just last week the number crunchers at the Census Bureau confirmed what many of us have known for a long time: that our communities are cracking at the seams.

Since 1990 in my home State of North Carolina, my home county has grown by 18.9 percent. Johnston County, an adjoining county, has grown by 25.3 percent. Our capital county of Wake has grown by a whopping 29.4 percent. State legislatures from California to Virginia are struggling to provide the funds to build the schools that we need. I believe it is now time for Congress to do their part.

The administration has requested that Congress approve in next year's balanced budget a plan to provide $19.4 billion in assistance to States for construction, rehabilitation, or repair of public school buildings. Under the administration's plan, our State, my own State, would receive roughly $300 million for school construction.

I support the administration's plan, but I am also working on my own initiative to target additional school construction resources to those fast-growing States like North Carolina. We happen to be the second fastest growing State in the United States. North Carolina happens to be second only to California in growth.

The Secretary of Education has projected that over the next 10 years our State will experience the second largest growth rate in the country in the number of students enrolled in high school. This phenomenon is known as the Baby Boom Echo. It will present some immense challenges all across the country for school systems that are already under the stress of rapid growth.

I am drafting legislation to provide $7.2 billion in school construction bonds over the next 10 years specifically to those growing States that we know will need the resources, and many cannot meet those needs. My bill will be fully paid for by closing an obscure tax loophole that some seek to use to finance a risky voucher scheme.

The Etheridge bill is a commonsense approach to a very real and urgent problem. Members can be sure that I plan to work to the end of this 105th Congress, and I challenge my colleagues to join me. And once again, I thank my colleagues who are here this evening for organizing the special order to call attention to the tremendous need in school facilities all across the country. The children of America deserve quality facilities if we want quality education.

I say to the members, our teachers are doing an outstanding job in conditions that no business would put many of their employees in.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from North Carolina. If we here in Congress worked in some of those facilities in the same type of disrepair that our teachers have to work in and our children go to school in, we would probably not be doing a very good job, either.

Mr. Speaker, I yield to the gentlewoman from the 22nd District of California (Mrs. LOIS CAPPS).

Mrs. CAPPS. Mr. Speaker, my thanks to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Mr. Speaker, schools are so essential in our future. I firmly believe that it is our responsibility as a society to ensure that our schools are not failing our children. Rather, the role of schools is to assist families by providing a safe, even uplifting educational setting so that each child's full potential can be realized.

As a school nurse in the Santa Barbara school system for over 20 years, I have seen firsthand the damage that deteriorating schools can do. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings.

As the gentlewoman just mentioned, imagine how hard it would be for all of us in Congress to work if we had to dodge falling plaster or work in our hallways or contend with leaky roofs. It would surely interfere with our concentration, and this is exactly what is happening to children all over the country at the most critical time in their lives for learning.

According to the General Accounting Office, one out of every three schools in America needs extensive repair or replacement. Surely we can do better than that for our children. Education is, first, a local and a State issue, but I believe that we have a responsibility to get involved at the Federal level as well. There is a role for us here.

This is a local problem which deserves a national response. When local school bond measures fail, local communities, with school boards, parents, and teachers, need to find other resources to turn to. The proposed legislation will assist local districts in providing that option for educational settings that are quality for all of our students.

Today I have cosponsored two bills which address this problem. The first is introduced by my colleague, the gentlewoman from New York (Mrs. LOWEY), which will provide $5 billion in Federal funding for school construction across the Nation. Half of these funds would be distributed to the States and the remaining half would target 100 school districts with the largest number of students living in poverty. For the first time, the Federal Government will enter into a partnership with our local communities to rejuvenate our ailing schools.

Another innovative approach introduced by my colleague, the gentlewoman from California (Mrs. TAUSCHER), incorporates the use of State infrastructure banks which will be created with Federal seed money, and then offer a flexible menu of loan and credit enhancement assistance to local school districts.

I am also interested in proposals raised by Vice President GORE, where State governments could help schools issue bonds to modernize school facilities. Schools would owe only the principal to investors, who would receive interest in the form of Federal tax credit. This is a great idea. California has made real progress in school construction, and yet in my own district I have seen classrooms, being held in hallways, teachers lounges, utility rooms, and auditoriums.

On the other hand, when it goes well, we have so much to be proud of. Just three weeks ago I had the pleasure of touring the Sinsheimer School in St. San Luis Obispo. I was amazed with the advanced state of their school technology program which allows children easy access to modern computer labs.

The same is true at the Joe Nightingale School in Santa Maria, which was chosen as a blue ribbon school by the Department of Education because of its superior test scores and community-wide commitment to technology.

I have also had the pleasure of visiting recently Goleta's Kellogg School, another fine example of educational technology at work. If only all of our children could have such state of the art classrooms and programs to return to each morning.

Really, this is what it is all about, ensuring that all children, no matter what their economic status or the economic status of their community, that all children have safe, clean, adequate schools to attend each day. We must set our standards high, challenging our teachers and students to be the best they could be and providing them with the tools to do so.

Today we are preparing students for jobs in the new economy, where technological skills are of the highest importance. To do this, students must be learning in school facilities which are well-equipped and up to date, including modern science labs and adequate wiring for access to computers and to the Internet.

We are not keeping up with these demands, and we simply cannot afford to look the other way another minute. America is only as good as its schools. We know that. We cannot prepare our children for the 21st century in outdated schools. Let us make this a priority for our children and for ourselves.

Ms. SANCHEZ. Mr. Speaker, I would just like to thank our new colleague, and also say, considering that she is from California, that these initiatives are so important for our State in particular.

For example, the proposal that the President and Vice President GORE have with respect to interest credits is so important, when we take a look at the fact that when we pass a local bond issue to build new schools, in California we need two-thirds of the vote affirmative in order to pass that.

By saying that the Federal Government will give tax credits to pay the interest cost, what we are actually doing is giving an incentive to those on a local basis to take the responsibility on of building schools in their communities, and saying, we are going to help you hand-in-hand to ensure that the students of the gentlewoman's area, who are the students of America, are going to succeed in the future.

Mrs. CAPPS. If I could respond to the gentlewoman, that is exactly why, even though this is my second week on this job, during my campaign countless parents told me how critical this is to them in the State of California, where local bond issues do fail, and where we can, as the Congress, offer not a heavy hand but just a helping hand, a loan or seed money for an interest on a bank loan. That is what we are talking about.

Ms. SANCHEZ. I thank the gentlewoman. Now I yield to our good colleague, the gentleman from Maine (Mr. TOM ALLEN), from the other coast of the United States.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from California (Ms. SÁNCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) for organizing this event tonight, and to say to our newest Representative in Congress, it is great to have her here. She is going to be a wonderful Representative for her district, I say to the gentlewoman from California (Mrs. CAPPS), and I am very glad to see the gentlewoman here.

Mr. Speaker, it is springtime in Maine. When I say springtime in Maine, I do not mean the snow is gone, because it is still on the ground. When I say springtime in Maine, that it is springtime in Maine, I am just saying it is after March 21. What that means to most municipalities in Maine and most school administrative districts is that budget time is coming.

For 6 years I was a member of the Portland City Council. I read six Portland school committee budgets. I went to all of our schools in the city, and I worked with members of the school committee trying to put together budgets that work for our community.

Since I have been a Member of Congress, I have talked in schools all around the District. I have talked to superintendents, school committee members, parents, teachers, principals, all trying to get a grip on the problems we have with our schools, and what we need to do in order to make sure that our children get the best possible education that will prepare them for the 21st century.

We have a late spring in Maine. We have, frankly, not much of a spring. We are not even in mud season yet. But I know that the debate is already beginning, because the way we fund our schools in Maine is primarily, almost entirely, with State money and with local money; now more local money than State money. That is raised on the basis of property taxes.

So every year in certain communities around the State of Maine we have a huge debate among those who are trying to hold down property taxes and those who are trying to make sure that the kids in that particular community have a fair chance to get a good education and move ahead. That debate is repeated all across the country. This is a national problem.

If we expect our children to grow, to prosper, to learn, we have to take account of the environments in which we are asking them to do that. With the current condition of our Nation's public schools, the question we have to ask is, what message are we sending to our children? One out of every three schools in this country needs extensive repair or replacement.

Nearly 60 percent of schools in this country have at least one major building feature in disrepair: maybe a leaking roof, maybe a wall that is not quite what it should be, maybe stairs that are deteriorating, but major problems. Nearly one out of every three schools in this country was built before World War II.

There is a recent report by the American Society of Civil Engineers which found that the only infrastructure category in the United States to receive a failing grade is our schools, the only infrastructure category in the country. It will cost $112 billion to repair, renovate, and modernize our existing schools, and another $60 billion over the next decade will be needed for new school construction.

Back in Maine we have some very good schools. We have some schools that are relatively new, but we also have some schools that are run down, that are not being renovated, that are not being replaced when they should be. It always comes back to that debate in the spring when some communities, some school administrative districts, realize they simply cannot afford to bring their schools up to the level of quality that they think they need.

Just in terms of numbers, in Maine there is about $60 million in urgent health, safety, and legal compliance needs in the public schools. The total repair and renovation needs may be as high as $637 million. More than one-half of the schools in Maine have unsatisfactory environmental conditions. Air quality conditions are aggravating asthma problems. That is a leading cause for absenteeism.

□ 2145

And some schools are really being forced to close unsafe schools.

Now, as I said before, the question always comes up: How do we pay for these schools? We have had referenda in some communities where the school budget has been voted down not once but two or three or four times before we get a school budget through, and that is often just for the operating expenses. And when communities have that kind of struggle over the operating expenses, they cannot get there in terms of funding the schools.

The people are saying we need new schools, but we cannot figure out how to pay for them. The Federal Government pays only 7 percent of education costs around the country and we could do a little bit more to help our local property taxpayers, to help our local communities and school administrative districts do some school renovations, school expansions, and school repairs.

The Federal Government, I believe, should support States and local school districts, help them afford the costs of school construction and modernization. I think that we in Congress can be proud of the fact that the 1997 Taxpayer Relief Act established qualified zone academy bonds, and they provide a source of capital at little or no interest. Now, while those qualified zone academy bonds are a step in the right direction, we need to do more.

Democrats in this House, including the gentlewoman from California (Ms. SÁNCHEZ) have put forth a number of initiatives which support school construction and modernization. We need to deal with those proposals. We need those proposals to be debated here on the floor, not after hours, but while we are engaged in our legislative work.

It is time to say to our children and parents around this country that children remain our top priority for the 21st century. Our goal this decade, this century, has got to be to leave no child

behind, and we cannot do that if we are trying to teach in crumbling schools around the country. It is time for a new national initiative to help not to take over the school system, but simply to afford some financial assistance to our States and local communities to help them upgrade the quality of our schools.

Mr. Speaker, I just want to say "thank you" to both the gentlewoman from California (Ms. SÁNCHEZ) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) tonight for bringing us here to talk about this very important issue. I look forward to working with them both to make sure that we get something done.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we thank the gentleman from Maine (Mr. ALLEN) for joining us this evening.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK) for such time as he may consume.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for yielding to me, and it is so nice to join my colleagues from the Virgin Islands to California, from Maine to North Carolina and all the States in between to talk about something that really, this is an issue that really comes down to good Democratic Party ideals, something that we believe in.

So much has been said tonight about the shortfall in investment in our schools and the need that we have. We have heard the statistics and too often these statistics just become raw numbers that we start throwing around, millions and billions and shortfalls, but there are real stories that are tied to the numbers that we are discussing on the floor tonight.

There are a couple of things that happen, and I think if we look at western Pennsylvania, we are in many ways a composite of what is going on around the whole Nation. In cities like Pittsburgh and communities like Aliquippa and Ambridge and Beaver Falls, those old industrial communities people have left because those industries have closed down, and when they leave there they move into a suburban area or they move to other parts of our Nation.

When they move to a new area, we have to build new schools because the population is increasing. We have to build new highways. We have to make an investment in infrastructure. And what is left behind is a shrinking tax base of primarily elderly people, people who do not have the means to be able to pay property taxes, people who do not have the good jobs, but they are stuck in those communities.

So what we are looking for is some help from State and Federal Government to say to the kids who are stuck in these communities that we are going to help, that we care; that as this Nation begins to move from the Industrial Age into the Information Technology Age that we are here as a Nation to establish an agenda to make sure that no child is left behind; that we are investing in safe schools, we are investing in building more space, more classrooms so people are not jammed in. We are investing in modern schools so that we do not have leaky roofs or asbestos that can cause harm to those kids.

In fact, I was on the floor a little earlier during the 5-minute segments, talking about the fact that it has been projected by our Commerce Department and by those people in the Information Technology Association of America that between now and the year 2006 we are going to need 1.3 million new workers in the information technology field. What are we doing in this Nation to be able to train the students for those jobs? In fact, the industry has said we do not want to do that; we would rather import workers.

Now, I have got a problem with this. When we have got a lot of workers out there, like in my region of the country, southwestern Pennsylvania, during the 1970s and 1980s we lost 155,000 industrial jobs. During the debate on NAFTA, we admitted as a Nation that we were going to watch many of what we called the low-wage, entry-level manufacturing jobs move off shore, but the new economy, the Information Age, was going to ping up our work force and create tens of thousands of jobs.

Well, if we are going to import workers from other nations rather than spending money on schools, rather than spending money on training the students and retraining that displaced work force, what kind of a Nation are we? We should be looking at our people in this country. We certainly want to be a Nation that welcomes people; we have always done that. My family were immigrants from Europe. Other families are immigrants. We welcome that. But we also have a responsibility to give hope to the sons and daughters of the taxpayers who built this Nation.

And if we are going through a difficult time where we enter a worldwide economy, this Nation has to be willing to put its money where its mouth is. We have to be willing to invest from the Federal level on down in the building of schools, in the creation of more classrooms and the modernization of the teaching technologies that will match the technologies that these same students will be using in the workplace.

Those schools need to be safe. Those schools need to be effective. And we have seen study after study where the atmosphere of the school, the condition of the building, obviously has an impression on the ability of the students to learn and the teachers to teach. If people are going to work in any job in the worst conditions, in the worst physical plant, they cannot do the best job. And as a young impressionable student, if they are going to school in a school that is falling apart and the roof is leaking and windows are broken and there are dangers of asbestos and other kinds of things in the school building, then they cannot learn and the teachers cannot teach and they have a whole bad idea of their own self-esteem, the self-esteem of the school where they are coming from and they say, what is there to strive for?

Mr. Speaker, we owe our children better. And that is why I would like to thank both of my colleagues for moving forward with an idea that stands up for what the Democratic Party believes in. We believe that we have to take a nationwide view of where this country is going, of how this country is going to compete in a worldwide economy; how we are going to prepare our work force, both those students who are growing up now, our sons and daughters as they are getting ready to enter the work force, and those workers who, as we have gone from a manufacturing industrial base technology into a technology that is information based, that is scientific based, that is technologically based, that we give them the tools, give them the schools, make the investment in those workers for training and for retraining so that we can educate that work force. Those people need to become taxpayers, not tax recipients.

Mr. Speaker, that is what this party stands for. That is why I am proud to be a Democrat. That is why I am proud to stand here at almost 10 o'clock when many people are home, but my colleagues are here working because we cannot talk about these things during the day. These things are not brought up on the floor during the day. They are not bills that are put on the calendar that we can vote on, even though 70 percent-plus of the American public believes we need to invest. The Federal Government needs to join the State government in investing, so that the burden does not fall only on those people paying property taxes, so that we are not taxing the elderly out of their homes by forcing the local government to raise all the taxes and to make their own determination as to how they can build school buildings.

So we need to find a national answer, and we in the Federal Government as the representatives of 500,000 people that reside in our district have that responsibility. We have that responsibility as Democrats, as Republicans, as independents, as citizens of this great Nation.

Mr. Speaker, I thank my colleagues for their leadership on this issue, and thank them for the time to join them, and to them I say, "May God bless you for your efforts."

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from Pennsylvania very much for joining us. We want to call on our colleagues to bring

these issues to the floor for a vote, as the gentleman from Maine (Mr. ALLEN) said. It is important for us to gather here this evening to discuss the needs for school construction in all of our districts, but to be effective at doing this, we must bring it to debate on the floor when Congress is in session and vote on these issues and make sure that in voting we leave no child behind, as he has said.

The gentleman from North Carolina (Mr. ETHERIDGE) mentioned the "Baby Boom Echo," which is a Department of Education report which highlights the need for expanding our Nation's classrooms. That report says that it is predicted that K through 12 enrollments will be at an all-time high of 52.2 million by this fall, and by 2007 the number will reach 54.3 million. The Secretary of Education anticipates that 6,000 schools need to be built over the next 10 years to accommodate this school population increase.

These are the kinds of issues that H.R. 2695 is to address, and I think we could spend the few more minutes remaining to us to highlight some of the points in the bill offered by the gentlewoman from California (Ms. SÁNCHEZ).

GENERAL LEAVE

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SANCHEZ. Mr. Speaker, thank you for the opportunity to talk about the particular bill that I have introduced into the floor here.

I have here a chart that I want to go over so that I can somewhat explain some of the situation that is going on. Mr. Speaker, tonight we have many of our colleagues here from across the Nation. This is not just a California problem. It is not just an Anaheim problem or a Santa Ana problem. It is really an opportunity for us to make the room to educate our children.

Remember that the schoolhouse is not only the room in which we educate our children of the Nation, but we also use our school buildings for other reasons. Boy Scout and Girl Scout meetings, special meetings of the community, and we do ESL classes at night for new immigrants who want to learn English. So the schoolrooms are actually used more often than just the 5 or 6 hours during the school day.

On this chart, this is the projected increase of children in the next 10 years across the United States. And we see here we have the five fastest growing as far as projection of schoolchildren, the five fastest growing States: California, Hawaii, New Mexico, Utah, Idaho at about 16 percent to 11 percent, growing in the next 10 years.

Now here is the interesting point. Here is the Anaheim Elementary School District, the elementary schools of my hometown, and we are growing at a 25 percent rate. Let me tell my colleagues, Anaheim is a major city. It is the home of Disneyland. But I have a city right next to it, Santa Ana, and Santa Ana is also a major city and it has the youngest population of a major city across the United States. What does that tell us? We are full of youngsters in these towns. And we are growing at a 25 percent rate and yet, for example, in Santa Ana, we have 600 portable classrooms. Now, if we do the math, 600 portable classrooms is the equivalent of 27 elementary schools. New elementary schools. Where have we put these portable classrooms? We have put them on blacktop, on the places where our children used to play basketball and dodgeball, and where they used to play soccer on the green fields, on the staff parking lots. We are actually using more and more of the playground and the other amenities that we need.

Mr. Speaker, I have gone to schools. One of the things about growing up in the same area that I represent is that I have gone to the same schools that I went to.

□ 2200

We used to have, a "breezeway" we used to call it, a separate hall. It is a tunnel between classrooms where you have a large amount of classrooms so that the teacher would not have to take the children all the way around all the building, of all the classrooms, you had to wait to cut in between. And that separate hall now has doors up on it and it has become a classroom. The broom closet of the janitor, the place where he used to store his round barrel with all the push brooms and everything, has now become an office of a therapist who now deals with 6 special ed children. These are the classrooms of today.

And I have classrooms in my district that actually do not have a classroom assigned to them, classes that, thank God, we are in Southern California, they teach outside; and on a rainy day, like when we have El Nino, we put them in a classroom where there is already a class going on, and it makes it very difficult to learn in those situations.

So not only are we bulging at the seams already, not only have we used up our space and now to the equivalent of 27 elementary schools, for example, but on top of that we have this almost double-growing happening in our area.

And that is why I say it is a local concern, it is the responsibility of people in local communities to stand up and say we need to do something about it and we want to do something about it. But it is also important for us to help at the Federal level, especially when we cannot build a school fast enough to house the growth that is going on. That is why these tax incentives are important. That is why we need to get involved.

Now let me tell my colleagues, it is not just willy-nilly; we are not just saying, oh, here, let us give away tax dollars up here. First of all, the restrictions on these are, for example, you must have already as a school district done something to help alleviate this problem.

Let me tell my colleagues what they have done at home. We have gone to year-round school. We do not go traditionally September through June any longer, and take the 3 months off of vacation time in the summer. And that is tough. Think about the fact that Southern California is a desert, so during the summer it is very warm in the classrooms, and those classrooms were not built with air conditioners. So in those classrooms where we might have had the funds to put an air conditioner in, usually the air conditioner is louder than the teacher in the classroom. So it makes it very difficult to learn even if we have air conditioning in the classroom.

So we have done things. We have gone to year-round school. In fact, in Anaheim, if our bond issue does not pass on April 14, what will happen is we will go to double sessions, little kids going early in the morning to school and others coming home late at night after 5:00 p.m., when it is already dark at times during the year walking home or coming home. It is a very dangerous situation to be in.

Or what happens if you are a mother with 2 or 3 children, some going to the a.m. schedule, some going to the p.m. schedule, 1 of them going to a junior high that is on the traditional 9-month schedule, your other 2 children in the elementary school district going on the year-round schedule? How are you supposed to get your children there, take vacation, plan for the family? Think about that.

Or think about the fact that now we are having double or triple sessions of our children when they go to lunch and when our children stand 15 minutes in line to get their lunch. They sit down and have got 3 minutes to eat it because they have got to clear the picnic table for the next set of children to come on in. They have tried to solve their problems effectively, but it is still not enough.

Here is another problem that occurs for example: If you are using the school all the time, when do you do the normal wear-and-tear maintenance? How do you paint the graffiti out when the kids are there all the time? It becomes very difficult. Do you pay the custodian more to come in on Saturdays and

Sundays? Because that is overtime; that is extra time. How do you make sure the kids' fingerprints do not show up on the wet paint because you cannot get it dry overnight? These are the difficulties that we are fighting, just very practical difficulties.

Secondly, what other incentive, what other restriction do we have? The business community must be involved in the school district. And we have very many partnership companies that have adopted schools that are helping with the technology aspect of schools. This is another thing that we put in.

Third, another way to qualify, another qualification that you need for this bill that we have got. They must have some children, at least 35 percent, who are on the school lunch program, i.e., it is a lower income area, someone who really needs the help. Because we were talking about property taxes earlier and there are really some school districts in dire straits.

Now, the issues for renovation that we already passed in the Tax Relief Act this past August targets the 100 most poverty-stricken school districts across the Nation. But there are even more who need help. I have to tell my colleagues, I know just how much we need help because, it is a shame to say, but one of my school districts qualifies in that top 100 poverty-stricken school districts across the Nation.

But my bill would require that they meet some basic provisions; that we have a low income level; secondly, that the business community is working with them; and third, that they try to do something to help with the situation that they have before they would qualify to have the opportunity to try to pass a bond issue again, remembering in California this is a two-thirds vote, 66.7 percent of the people who come to vote must say yes, and then they would get a tax incentive provision to those investors in the bonds that would allow the interest cost to be picked up basically by the Federal Government.

So it is not just willy-nilly, it is really for those school districts like Anaheim Elementary School that have come forward and said, we need to do something, let us work very hard to get this bond issue passed; and it is a way for the Federal Government to say, we understand the need that you have there, we believe that "the fourth R" is important, and we are going to help you with that.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I think we need to commend those school districts where they have made the effort to ease the overcrowding through creatively trying to address it. But as my colleague has pointed out, in many of those instances where they have tried to accommodate the overcrowded classrooms, our children have suffered. They have to rush. They have no playroom space.

And so the whole educational environment is compromised, and so they do not get the kind of nurturing and support that school is supposed to provide; and so it is very important that we pass bills such as yours to provide additional classrooms and alleviate that overcrowding and, in a sense, reward some of those schools that have really worked very hard to keep the standards of their classrooms up and relieve the overcrowding.

Ms. SANCHEZ. Mr. Speaker, one of the other things that is happening is that we are realizing as a nation that the smaller amount of kids we have in the classroom with the teacher the more they learn. We have tried in California for the past 18 months the 20-to-1 ratio. Our kids, we used to have 28, 32, 40 kids sometimes to every teacher in the classroom. So we tried in the beginning classes, first grade, second grade, third grade, to try to accommodate and go to 20-to-1 ratio. We put the money forward to do that, and we have brought on new teachers.

There is also a teacher problem; but we brought on new teachers, we cut it down to 20-to-1. And where we have done that up and down the State of California, we have seen an improvement in test scores. Teachers that work with the children in the classrooms say this is the best thing they have ever seen, our children are learning. And guess what? No classrooms.

Here is another problem. We know what works: more outreach, more time with each child. It requires more rooms in which to teach. I noticed that the President's initiative, as it came forward in the budget, had an 18-to-1 ratio that he wants to try to implement across the United States. Why? Because it works. We know it works. We have tested it in California. We are there. The problem is "the fourth R," where do we find the room for this to happen?

Ms. CHRISTIAN-GREEN. I do not know if my colleague has ever experienced double sessions, but when I was a PTA president and served on the board of education in the Virgin Islands, we had double sessions; we had our children getting up in the dark, coming home in the dark, and it is a very unsatisfactory situation for children to have to go through in trying to just get a basic education. So we do not want our children to have to go through that again.

Another point that was made was that schools are used for more than just educating our children; and also as we have realized how important it is to have small class size, we have realized the important role that school facilities can play in our community for the enrichment and the learning of the entire community. And so again it even underscores much more strongly how important it is that we have facilities that can meet the many and varied needs of the community that we represent and that we serve.

Mr. SNYDER. Mr. Speaker, will the gentlewoman yield?

Ms. SANCHEZ. I yield to the gentleman from Arkansas.

Mr. SNYDER. I wanted to add my voice of support for what my colleagues are talking about tonight. In Arkansas, I kind of divide our State into areas of rapid growth, the suburban areas; and then we also have the areas in which we have had lots of growth. And in all those areas there is a need for help with funding for school construction.

Our rapid-growth areas, I talk with superintendents, and each year they talk about how can we keep up with the growth of the next year, another elementary class? The problem we have with the folks that lose population is how do they keep up with the old school buildings?

I go, as I am sure all of my colleagues do, into the school buildings and take tours and meet the kids; and I went into one classroom and there was a huge hole in the wall. And every year they would patch it, but it is a structural problem and it leaks. And so those kids go in there every day to see the area where plaster is falling off the wall, yet we consider this as one of our very premier high schools in Arkansas, and I think it is a real problem.

It is too easy for us sitting here in Washington to say, that is a local problem, it is a State problem, it is not anything we should worry about. And yet we expect our kids to be competitive around the world in jobs. We expect our kids to go into military and provide national defense. We expect our kids to be top, premier scientists to compete with the rest of the world. And yet we are going to turn our back on these school building problems, which I think is a real big part of what makes our kids do well in math and science with reading skills that we all expect.

So I do not know what the answer is in terms of the bill. But I know the first part of it is to call attention to the problem, and I commend my colleagues for doing it. In fact, I was back at my apartment watching C-SPAN and I thought, by gosh, I want to get in my two cents' worth on this issue. Because it is a big issue for Arkansas, and I appreciate my colleagues doing the work on it.

Ms. CHRISTIAN-GREEN. Mr. Speaker, we appreciate our colleague running over to join us and offering those words of encouragement and support.

Ms. SANCHEZ. I want to add something to that. My colleague talked about how we want our children to compete and be the best in the world. And we know that we are in an information age now, we are in the 21st century. I just had the Vice President out and he is a big pusher of technology in

the classroom, and I was trying to tell him that in Anaheim Elementary, here is another reason why we need that bond issue passed on April 14. We have 3, count them, 3 phone lines into each of our elementary schools. That means when people call, to call in their kids being sick that morning, there are only 3 phone lines they can call in.

If someone needs to fax something, they are going to be using one of those phone lines. If the principal needs to be talking to somebody or making a phone call out, he or she is going to be using one of those phone lines. There are only 3 phone lines into that entire school.

If the teacher is in a classroom and an emergency is going on, there is no phone line into her classroom. Somebody has to get through the phone line at the front office and then somebody has to run down to that teacher's classroom and tell her something is going on and get the problem solved. Only 3 phone lines at a time.

Think about it, in our own businesses, imagine if in our businesses we had 60 managers and we had all these clients coming in and we had only 3 lines coming into our office, 3 lines in which to fax, et cetera, and call and take calls outside and bring calls in. How much work would we really get done?

And then add this to it. If we wanted to be on the Internet on your computers, if we wanted to be connected to the rest of the world the way all of us are now connected, we cannot do it on 3 phone lines alone. And that is why we need to put money not just to buy them computers or bring them computers or to get them connected, but to redo the infrastructure that our children use.

Ms. CHRISTIAN-GREEN. Well, I do not know if there are any points that my colleague still wants to bring out in her bill.

I want to join my colleague who said earlier how proud he was to be a Democrat. We have several proposals that have been mentioned here this evening. We have H.R. 2695. We have one of the gentleman from New York (Mr. RANGEL), H.R. 3320. The gentlewoman from New York (Mrs. LOWEY) has a bill. The gentlewoman from California (Mrs. TAUSCHER) has a bill.

The Democrats really have been working very, very hard to improve education, beginning with the President's initiative.

□ 2215

I think with all of the bills that have been mentioned here this evening, we are putting together quite a comprehensive package that will begin to address the deficiencies in the school facilities while we also try to address giving the children the tools that they need and the teachers the tools that they need to educate our children. I am very proud to be a part of this caucus. I look forward to working with the other members of the caucus on their legislation and to see that it is passed.

Ms. SANCHEZ. Mr. Speaker, I would like to end by thanking all my colleagues for spending their time tonight to highlight the situation, to bring forth their ideas and in response, yes, it is great to be a Democrat and to bring forward these initiatives. I hope that we actually get them on during the legislative day and get to vote on some of these proposals.

Mr. TORRES. Mr. Speaker, I rise in support of increased funding for school construction and for bond initiatives to assist local communities in school improvement projects.

I have received numerous letters from my constituents regarding the need for action in this matter. These are not letters from large organizations or big corporations with a financial agenda. These letters are from junior high and high school students in my district. They are writing me to ask what I can do about the leaking ceilings and the crumbling walls in their schools. One of the high schools in my district has an entire section of its buildings sectioned off because it has been condemned. This is not only a crisis in my district but a crisis throughout the country.

We tell our children that they must maintain better grades, and that they must perform to higher standards, yet, we send them to schools that are falling apart. And we ask our teachers, who have one of the hardest jobs in the world and are grossly underpaid, to perform at higher standards, while sending them to work in substandard buildings.

One of the more promising ideas for reform is to reduce class size. This is a proven, effective method for improving academic achievement in students, but we need more classrooms to accomplish this goal.

We talk about reforming the public school system and debate over vouchers, block grants and national tests. But tomorrow morning, millions of children will go to school in buildings that are inadequate.

We have an opportunity in this Congress, in his budget cycle, to give these children the classrooms they need to achieve their full academic potential. Let's not let them down.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to join my colleagues in support of school construction. I believe that the best way to give young people the chance to succeed in life is to ensure that they have a quality education. I spend every Monday and Friday in the schools on Long Island, talking with students, teachers, principals, superintendents, and parents about how we can make the education system work better. In visiting these schools, I see teachers and students who are committed to education. And these visits show me that we have great schools on Long Island. But these visits also show that many of the buildings in which our students learn are inadequate, overcrowded, and in poor condition.

Mr. Speaker, what kind of message do we send kids about reading when their libraries have no books? What message do we send to our teachers about teaching when their classrooms are overcrowded and run-down? And what message do we give to the world about our ability to compete globally when our computers are hopelessly outdated?

These problems were repeated in many of the schools I visited across Long Island—overcrowded classrooms, leaky roofs, broken doors, poor heating and bad ventilation systems. And this surprised me. I thought as many others do that this was an urban problem. Well, I was very wrong.

I decided to find out the true extent of the problem. Last Fall, I sent out a survey to every Superintendent in my District, asking them about the physical condition of their schools—the age of the buildings, whether they needed renovations, the quality of the roofs, the windows and the walls, and whether they had access to the Internet.

The response was overwhelming and insightful. Twenty three percent of schools say that additional space is a top problem and 44 percent said that classes are held in other areas. After the survey results were in, I visited the Washington Rose School, a school that reported many problems. I toured the facility with the principal, superintendent, and parents. And I talked with wonderful, bright children who are very eager to learn—but stuck in a school with physical problems.

In fact, one of the most serious was the speech teacher's office—a small desk with two chairs out in the stairwell. I thought to myself, how can any child work through a learning disability in the stairwell, with other children passing by?

Who is to blame for these problems? I have spoken with the principals, superintendents, teachers and the parents in my district. They are committed to making their school buildings the very best they can be. But it is expensive to rebuild and repair schools. And local money is simply not available.

School construction and renovation affect every corner of the nation, and each child in school now demands our attention. If we provide funds for school construction, then we will send a clear message to our young people that, yes, we do care about your education, and, yes, we do want you to learn in the best environment possible. We can do no less for our children.

RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I am thankful for the opportunity to address an extremely significant issue that relates to our schools, that relates to some of our most cherished principles as citizens of the United States of America and that unfortunately involves things which the courts of the United States have thrust upon the people despite the unwillingness of the people, in fact despite great concern and opposition by the public.

This relates, Mr. Speaker, to the matter of what happens in our public schools. It relates to the practices that

have gone on for generations upon generations in this country involving prayer in public bodies, in particular, in our schools.

I am not talking about this just to be talking about it, Mr. Speaker. I am doing it because we are going to have an opportunity in the next few weeks here in the House of Representatives to vote on correcting what the courts in the United States have done, what the U.S. Supreme Court has done in its bans and restrictions and prohibitions on the practice of simple prayers being offered at public school. That particular legislation is the Religious Freedom Amendment, House Joint Resolution 78. I am privileged to be the principal sponsor of it. There are over 150 Members of this body who are sponsors as well. I would like to share with my colleagues the text of that. The Religious Freedom Amendment is very simple and straightforward and tries to return us to what were bedrock principles of this country until the Supreme Court began undercutting those principles some 36 years ago. The text is very straightforward and reads as follows as an amendment to the U.S. Constitution:

To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.

It is simple and it is straightforward. It states that just as the constitutions of every single State in this country state, we believe in the people's right to acknowledge God, and expressly mentions him, as the constitutions of the States do. No official religion, but not these restrictions that are put on prayer and positive expressions of religious faith but that are not applied to other forms of speech.

Why is religious speech singled out for discrimination? Mr. Speaker, in 1962, the U.S. Supreme Court ruled that even when participation was voluntary and even if it was some sort of nonsectarian prayer, it was unconstitutional, they said, for school children to join together in a prayer in their classroom. That was followed by other Supreme Court decisions, Stone v. Graham in 1980, in which the U.S. Supreme Court said that the Ten Commandments could not be displayed on the walls of a public school. Mr. Speaker, I would note that that decision came out of your home State of Kentucky because it was Kentucky schools that had the practice. Groups would make copies of the Ten Commandments available and they would be hung with other important documents as the source of law as well as the source of spiritual guidance.

I notice, Mr. Speaker, here in the Chamber of this House as I am facing and as the Speaker faces from the Speaker's dais, right there is the visage of Moses looking down on this Chamber, the great lawgiver who brought down from Mount Sinai the Ten Commandments which cannot be displayed in public schools. The U.S. Supreme Court says it is unconstitutional.

They went beyond that. They ruled in a case that came out of Pennsylvania, they ruled that a nativity scene and also a Jewish menorah could not be placed on public property during the holiday season unless right up there next to it you put nonreligious emblems, like plastic reindeer and Santa Claus and Frosty the Snowman. They had to be balanced. But, Mr. Speaker, I have never heard of any community that is required if they want to put out Santa Claus that they have to balance him with a nativity scene or a menorah or whatever it may be. It seems to be a one-way street.

The U.S. Supreme Court kept going. They had the case in 1985 of Wallace v. Jaffree. It came out of Alabama. Alabama had a law that said you can have a moment of silence to start the day at school, a moment of silence. The U.S. Supreme Court ruled that was unconstitutional, because one of the permitted uses of that moment of silence was to enable students to have a silent prayer, and thus they said the whole moment of silence is even unconstitutional. And then a case upon which I would like to elaborate in 1992. By a 5–4 decision, the case of Lee v. Wiseman out of Rhode Island, the U.S. Supreme Court ruled a prayer at a school graduation to be unconstitutional. It was a prayer that was offered by a Jewish rabbi. The court held it was unconstitutional.

All of these things, Mr. Speaker, are what the Supreme Court has done to twist and distort and undermine our First Amendment, the very first right mentioned in the First Amendment, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Now, without even getting into the point of whether a school is creating an act of the Congress, and we are kind of two different bodies at two different levels, but to say that they are ignoring the part of the Constitution that says you do not prohibit the free exercise of religion, because what the Court did, Mr. Speaker, in all of these cases is to say that having a prayer or the Ten Commandments or a moment of silence or a nativity scene or a menorah, that that was the same as creating an official church. How absurd. An official church created just because you have a prayer? We open sessions of this Congress with a prayer. The House and the Senate, just like legislative bodies all around the country, be it State legislatures or city councils or private groups, Chamber of Commerce meetings, Kiwanis Club, Rotary Club, PTA meetings, people commonly open those things with prayer, just as we do here in Congress. It is normal. It does not make us a church just because we have a prayer. But the Supreme Court says, "Oh, you have a prayer at school and you're turning the school into a church." Therefore, they ignore the free exercise clause of the Constitution.

We have been living under this for 36 years. The only way that we are going to be able to fix this is with the religious freedom amendment, to straighten out the courts, by saying that the things they have said are somehow wrong are indeed, as the American people believe, right.

I said I wanted to focus on a particular case. That was the case in 1992 of Lee v. Weisman. What I would like to do, Mr. Speaker, is in different evenings during these special orders in talking about the religious freedom amendment, I think it is important to dissect and to help Members of this body as well as the general public to understand what the courts said so that we can understand the necessity of correcting it with the religious freedom amendment. After all, that has been the method that we have used to correct Supreme Court decisions ever since the 1800s in America, including, for example, Supreme Court decisions such as the Dred Scott decision that were trying to uphold the practice of slavery. We made sure that it was outlawed.

Mr. Speaker, looking at the Lee v. Wiseman case, and I would note, it is a 5–4 decision of the U.S. Supreme Court. Had one justice, just one of the nine justices of the U.S. Supreme Court gone the other way, we would not have this same problem when it comes to being able to have a prayer at a school graduation. Yet because one justice would not go the other way, we have to get two-thirds of the House of Representatives, two-thirds of the Senate to approve a constitutional amendment, and of course then it has to be ratified by the legislatures in three-fourths of the States, all because by a margin of 5–4 the Supreme Court made this ruling.

This was a very strange ruling, Mr. Speaker, because the Supreme Court rested the whole decision on the notion that to expect someone during a prayer is psychological coercion that the majority of the Supreme Court equated with the same as using compulsion on someone to have a particular religion just because at this graduation the students were expected to be respectful, not only respectful of the prayer offered by the rabbi but respectful of the other speakers, respectful of the people as they came in as a group, as part of

this graduation, respectful of the other people in attendance. But, oh, if it was respect for the rabbi's prayer, oh, there the Supreme Court said, "Well, you can't expect people to be respectful of religion. After all, they may disagree." Okay. I disagree with many of the things said on the floor of this House. That does not mean that I have a right to silence and to censor the people who may say it. It is common in everyday life. In all sorts of settings, we hear things with which we disagree. That does not give us the right to censor and silence people. But this notion of political correctness which has been extended into schools is saying, "Oh, but my goodness, if somebody doesn't like it, let's see if we can find an excuse to silence them," and they twist and distort the First Amendment to make it anti-religious instead of positive toward religion and use that as an excuse to silence people. Let us look at this decision. The decision came down from the U.S. Supreme Court June 24, 1992. The justices who said that this prayer at a school graduation was unconstitutional were Justices Kennedy, Blackmun, Stevens, O'Connor and Souder. Dissenting and, boy, did they dissent in very clear terms, dissenting were Justices Scalia, Rehnquist, the Chief Justice, White, and Thomas.

I am looking at the Supreme Court decision and for people that look up these things and want to look up the reference, which is called the citation, it is cited as 505 U.S. 577. That is 505 United States Reports, page 577. As the Court wrote, and Justice Kennedy wrote the opinion for the majority and a lot of organizations got involved in this, and I am glad to say, Mr. Speaker, by the way, that most of those who were arguing in favor of the graduation prayer are also supporters of the religious freedom amendment. The prayer actually happened in 1989. The Supreme Court took 3 years to make its decision. But it was a public school, Nathan Bishop Middle School in Providence, Rhode Island. There was a 14-year-old girl who was one of the graduates of middle school, her name was Deborah Wiseman. At the time she was about 14 years old. Now, it was the policy in the schools and the superintendent to permit principals to invite members of the clergy to give invocations and benedictions. Often, it was not always but often they chose to make these part of the graduation ceremonies.

□ 2230

The objector in this case was Deborah Weisman and her father Daniel Weisman. The school principal invited a Jewish rabbi to offer the prayer. The rabbi's name was Leslie Gutterman, and he was from the Temple Beth El in Providence, Rhode Island.

Now these were the two prayers that he offered Mr. Speaker, which the Supreme Court held were unconstitutional, and I think people can decide for themselves if they think there is something offensive here. The invocation offered by Rabbi Gutterman was as follows:

God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank You. May these young men and women grow up to enrich it. For the liberty of America, we thank You. May these new graduates grow up to guard it. For the political process of America in which all its citizens may participate, for its court system where all may seek justice, we thank You. May those we honor this morning always turn to it in trust. For the destiny of America, we thank You. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope for the future be richly fulfilled. Amen.

So the invocation by Rabbi Gutterman even praised the very courts which later said that he violated the Constitution in doing so.

Then there is the benediction that the rabbi offered at the close of the graduation. These were the words that he pronounced:

O God, we are grateful to you for having endowed us with a capacity for learning which we have celebrated on this joyous commencement. Happy families give thanks for seeing their children achieve an important milestone. Send your blessings upon the teachers and administrators who helped prepare them. The graduates now need strength and guidance for the future. Help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what you require of us all, to do justly, to love mercy, to walk humbly. We give thanks to you, Lord, for keeping us alive, sustaining us and allowing us to reach this special happy occasion. Amen.

That was the benediction offered by Rabbi Gutterman which again the U.S. Supreme Court, because someone chose to find it offensive, the U.S. Supreme Court ruled it unconstitutional.

Now in this, Mr. Speaker, do you notice the case was brought by and on behalf of one student?

Now the Court does not tell us clearly just how big the class was. It was evidently, from other comments you know, a good-size graduating class from this middle school.

No one else joined in the court case to say I also object, just one student, and that is part of the problem with the standard, the erroneous standard that has been created by the Supreme Court. If one person objects, everyone else is censored. In fact, they have even said even if nobody does object, the possibility that somebody could object is enough to make us say that you should not have prayers at school graduations or prayers at the start of the school day.

Since when, Mr. Speaker, does something have to be unanimous before we can say it under free speech in the USA? And why should we restrict religious speech?

But let me get back to what Justice Kennedy wrote for this five—four-Court majority. He mentioned the parties stipulate attendance at these graduations is voluntary, and they also note the students stood for the Pledge of Allegiance, and then they remained standing for the rabbi's prayers, and the court wrote that they assume that there was a respectful moment of silence just before and just after the prayers, but despite that, the rabbi's two prayers probably did not last much beyond a minute each, if even that much.

Now the school board, and by the way the United States of America through the Solicitor General's Office, sided with the school board. The Solicitor General filed a brief on behalf of the school. The school board argued that the short prayers and others like it are of profound meaning to many students and parents throughout the country. As Justice Kennedy noted, they consider that due respect and acknowledgment for divine guidance and for the deepest spiritual aspirations of our people ought to be expressed at an event as important in life as graduation.

Now first the plaintiffs, the Weismans, asked for a court injunction to stop the prayer from taking place. The court said we do not have time before the graduation, did not grant the injunction. They maintained the suit after the prayers were given, the court made the decision, oh, it should not have happened, it was unconstitutional, and they held, of course, a violation of the first amendment. They issued a permanent injunction against the school system there in Providence, Rhode Island, saying you are permanently enjoined, do not do this again, do not have one of these horrible prayers at school graduation.

Of course, I do not think it is horrible, I think it is normal. But the court held that it was unconstitutional, and on appeal the U.S. Court of Appeals agreed with the district court, as ultimately the U.S. Supreme Court did.

Now Justice Kennedy wrote, well, even though attendance is voluntary at graduation it is really kind of obligatory because you expect students to want to be at their graduation. And they found a lot of criticism with the fact that the actual invitation to the rabbi, rather than coming maybe from a student body officer or something like that, the fact that the invitation was extended by the principal of the

school, the Supreme Court thought that was very significant. Now I do not know how that affected necessarily the nature of the prayer that the rabbi gave, but the rabbi was given a copy of different guidelines for civic occasions. And that was the name of the document, Guidelines for Civic Occasions, that the principal gave him and said, I hope your prayers are going to be nonsectarian. And, as the Court said, well, that was a State effort to control the prayer.

Now imagine that. They say we hope that you will offer a prayer that will be as acceptable as possible to people, and the Court says that is the same as controlling the content.

And then the Court went on to say that it is unconstitutional for the government to try to suggest that a prayer seek common ground. Really, they really said that. This is what Justice Kennedy wrote, these are his words: If common ground can be defined which permits one's conflicting faiths to express the shared conviction that there is an ethic and morality which transcends human invention, the sense of community and purpose sought by all decent societies might be advanced. But though the first amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.

I find it very interesting, Mr. Speaker, that Justice Kennedy says the first amendment does not allow the government to stifle prayers, and yet that is what the Supreme Court did in this very case. They stifled the prayers. They said that it may have happened that time but do not let us catch you doing it again.

□ 2245

What a remedy. They say that they knocked out the prayer to avoid insulting the rabbi who offered the prayer.

It is really hard for me, Mr. Speaker, to follow this psychological coercion test that Justice Kennedy and the majority of the Supreme Court wrote about in this decision. I think it is much more fruitful to look at what the four Justices wrote when they dissented, that being Justices Scalia, Chief Justice Rehnquist, Justice White, and Justice Thomas.

This is what they wrote countering what the Supreme Court had done. I would like to advise you, Mr. Speaker, that it is the philosophy that was voiced by four Justices of the U.S. Supreme Court in this dissent; it is that philosophy which is embodied in the religious freedom amendment. In fact, in other cases impinging upon religious freedom, there were dissents filed by other Justices of the Supreme Court.

We have taken to heart what they said, and what they believe is the proper interpretation of the Constitution and I think what the American people believe is the proper interpretation. We have sought to incorporate that in the religious freedom amendment upon which we will soon be voting.

So let us look then at what these four Justices wrote through Justice Scalia. Talking about the majority ruling, they wrote:

As its instrument of destruction, the bulldozer of social engineering, the Court invents a boundless and boundlessly manipulable test of psychological coercion; lays waste a tradition that is as old as public school graduations themselves, and that is a component of an even more long-standing American tradition.

Today's opinion shows more forcibly than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable, philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people.

They went on to discuss, Mr. Speaker, some of the historic practices of prayer in public settings. As they wrote, the history and tradition of our Nation are replete with public ceremonies featuring prayers of thanksgiving and petition.

In his first inaugural address, after swearing his oath of office on a Bible, George Washington deliberately made a prayer part of his first official act as President. Such supplication has been a characteristic feature of inaugural addresses ever since.

Thomas Jefferson, for example, prayed in his first inaugural address. In his second inaugural address, Jefferson acknowledged his need for divine guidance and invited his audience to join his prayer.

Reading further from the Court dissent, similarly, James Madison, in his first inaugural address, placed his confidence in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations.

Most recently, President Bush, continuing the tradition established by President Washington, asked those attending his inauguration to bow their heads and made a prayer his first official act as President.

Reading further from Justice Scalia, the day after the First Amendment was proposed, Congress urged President Washington to proclaim a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. President Washington responded by declaring Thanksgiving for November 26, 1789.

Reading further from the dissent in the Lee v. Weisman case, the other two branches of the Federal Government also have a long-established practice of prayer at public events. As we detailed in Marsh v. Chambers, congressional sessions have opened with a chaplain's prayer ever since the first Congress. And this Court's own sessions have opened with the invocation "God save the United States and this Honorable Court" since the days of Chief Justice Marshall.

In addition to this general tradition of prayer at public ceremonies, there exists a more specific tradition of invocations and benedictions at public school graduation exercises.

By one account, the first public high school graduation ceremony took place in Connecticut in July 1868, the very month, as it happens, that the Fourteenth Amendment was ratified, when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers.

As the Court acknowledges in describing the customary features of high school graduations, the invocation and benediction have long been recognized to be as traditional as any other parts of the school graduation program and are widely established.

Yet, Mr. Speaker, despite what 4 dissenting Justices were telling them in the words which I am reading to you, Mr. Speaker, despite that, just by a margin of 5 to 4, the Supreme Court said you should not have prayer at school graduations.

Now, these dissenting 4 Justices, Mr. Speaker, they turned their attention then to the argument, this psychological coercion argument that had been made by Justice Kennedy on behalf of the majority. Let me read you what they wrote about this.

According to the Court, students in graduation who want to avoid the fact or appearance of participation in the invocation and benediction are psychologically obligated by public pressure as well as peer pressure to stand as a group or at least maintain respectful silence during those prayers.

This assertion, the very linchpin of the Court's opinion, is almost as intriguing for what it is does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, to place their hands in a prayerful position, to pay attention to the prayers, to utter amen, or in fact to pray.

It claims only that the psychological coercion consists of being coerced to stand or at least maintain respectful silence. That is all anybody was coerced to do. Nobody was required to join in a prayer. They were just expected to be respectful.

Mr. Speaker, it is a sad day when students in public schools are not taught to be respectful even, and perhaps especially, when somebody is saying or doing something with which they disagree.

The 4 dissenting Justices called the arguments of their 5 brethren ludicrous. That is their word for it, ludicrous. But they wrote further, let us

assume the very worst, that the nonparticipating graduate is suddenly coerced to stand. Even that does not remotely establish a participation or an appearance of participation in a religious exercise.

The Court acknowledges that in our culture, standing can signify adherence to a view or simple respect for the views of others. But if it is a permissible inference that one who is standing is doing so simply out of respect for the prayers of others, then how can it possibly be said that a reasonable dissenter could believe that the group exercise signifies her own participation or approval.

The opinion manifests that the Court itself has not given careful consideration to its test of psychological coercion. For if it had, how could it observe with no hint of concern or disapproval that the student stood for the pledge of allegiance which immediately preceded Rabbi Gutterman's invocation?

Does that not ring a bell, Mr. Speaker? Is that now how we open our sessions of this Congress? We stand together, and we say the Pledge of Allegiance to the flag that is draped behind you, Mr. Speaker, and a prayer is offered. The Supreme Court said that that simple pattern was unconstitutional in a public school setting.

Now, about this requirement of standing, which is the only thing that any student was asked, not compelled, but they said, well, it was coercion. It was coercion to expect him to stand, even though they were not forced to.

As Justice Scalia wrote in the dissent, if students were psychologically coerced to remain standing during the invocation, they must also have been psychologically coerced moments before to stand for, and thereby, in the Court's view, to take part in or appear to take part in the Pledge of Allegiance. Must the pledge, therefore, be barred from the public schools?

I mention that, Mr. Speaker, because there is another U.S. Supreme Court decision, it is 50 years old now, 50 years old this year, relating to the Pledge of Allegiance in public schools. I think, Mr. Speaker, that it incorporates the proper standard, whether you are talking about at the graduation or the classroom setting, the proper standard.

Because in that case, which came out of West Virginia, West Virginia versus Barnette, the U.S. Supreme Court said no child can be compelled to say the Pledge of Allegiance. That is fine with me, Mr. Speaker. I do not want to compel someone to say the Pledge of Allegiance if they do not wish to say it. But what the Court did not do was to say that, because one child objects or might object, therefore, they can stop the other children from saying the Pledge of Allegiance.

That ought to be the standard that applies to prayer, to voluntary prayer at public schools or at a school graduation. No one is compelled to participate. The religious freedom amendment makes that explicit. You cannot require any person to join in prayer or other religious activity, but that does not give you the right to censor and silence those who do.

And as Justice Scalia noted here, does this mean that under this test that the Supreme Court applied to graduation prayer, now we are going to have to go back and ban the Pledge of Allegiance from our public schools? Because it is the same coercion to be respectful for that.

Mr. Speaker, it is long overdue that we correct decisions like this that have come from the U.S. Supreme Court, decisions that have used the First Amendment not as a shield of protection for religious freedom of the U.S.A., but as a weapon to stifle simple prayers, simple expressions of faith, whether it be at a school graduation or in a classroom.

Let me read some of the last words that were written by the 4 Justices who stood strong for our values and our traditions and dissented from this decision in Lee versus Weisman. Here is what they wrote in closing their decision or their dissent:

> The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter and very little about the personal interests on the other side. They are not inconsequential. Church and State would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography in the privacy of one's room. For most believers, it is not that and has never been.
>
> Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people and not just as individuals, because they believe in the protection of Divine Providence, as the Declaration of Independence put it, not just for individuals, but for societies.
>
> One can believe in the effectiveness of such public worship or one can deprecate and deride it, but the long-standing American tradition of prayer at official ceremonies displays with unmistakable clarity that the establishment clause does not forbid the government to accommodate it.

Nothing, absolutely nothing, the closing words of Justice Scalia, nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together. No one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily.

The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this official and patriotic occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated.

To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation is as senseless in policy as it is unsupported in law.

□ 2300

We have had a lot of senseless decisions from the U.S. Supreme Court when it comes to prayer in public schools, at graduation, the ability to have the Ten Commandments displayed in public places, or a nativity scene, a menorah, or it might be an emblem of some other religious holiday at an appropriate time of celebration. But, Mr. Speaker, to strip away the history, the culture, the tradition, the beliefs, the faith and the heritage of the people of the United States of America, not by a joint decision of the people of this country, but by bare majorities or even a 9-to-0 decision of the U.S. Supreme Court, to tromp upon the beliefs and convictions of the people of this country is not justified by the First Amendment.

Mr. Speaker, I do not want to change the Constitution to fix this, but there is no other way, because the Supreme Court has already distorted our First Amendment, using it as a weapon against public expression of faith; using it to censor and to silence simple prayers of hope and faith by children in our schools.

The religious freedom amendment, Mr. Speaker, addresses this, and we will be addressing it in the next few weeks. It has been approved by the Subcommittee on the Constitution; it has been approved by the House Committee on the Judiciary; it will be coming to this floor for a vote, to correct decisions such as this one and others of the U.S. Supreme Court.

I repeat, Mr. Speaker, a simple text, the Religious Freedom Amendment:

> To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize the religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, proscribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Religion is something that is good in this country. It has had a positive influence ever since it motivated the pilgrims to come to America and to found this Nation, because they sought religious freedom; they sought the protections that the Supreme Court would deny people today.

Mr. Speaker, I urge my colleagues to support the Religious Freedom Amendment. To those who have not joined the more than 150 cosponsors, I invite them to join and put their name on this

amendment and join with us today in that. I hope that their constituents will call their offices and tell them they need to be supporting the Religious Freedom Amendment, they need to put their name on it. They need to be helping Congressman Istook and the others who are supporting this.

Mr. Speaker, this is something that is so vital because our cherished first freedom is being undercut by the Supreme Court that is supposed to be its guardian, and the Constitution sets up a system where if something goes wrong with interpretation of the Constitution, we offer an amendment, because we, Mr. Speaker, are charged to be the protectors of what the Founding Fathers intended, and the Religious Freedom Amendment helps us to provide that protection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today through April 3, on account of official business.

Mr. MCDERMOTT (at the request of Mr. GEPHARDT) for today through March 27, on account of official business.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today through April 1, on account of official business.

Mr. STARK (at the request of Mr. GEPHARDT) for today and March 25, on account of official business.

Mr. ROYCE (at the request of Mr. ARMEY) for today through April 1, on account of traveling on behalf of the Speaker of the House of Representatives with the President of the United States in Africa.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of illness.

Mr. CANNON (at the request of Mr. ARMEY) for today and the balance of the week, on account of the birth of his child.

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. BORSKI) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. FRANK, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MORAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes, each day today and on March 25, 26, and 27.

Mrs. CUBIN, for 5 minutes, on March 25.

Mrs. KELLY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on March 25.

Mr. JONES, for 5 minutes, on March 25.

Mr. EHRLICH, for 5 minutes, on March 25.

Mr. METCALF, for 5 minutes, on March 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, 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. BORSKI) and to include extraneous matter:)

Mr. KIND.

Mr. MANTON.

Ms. NORTON.

Mr. HALL of Ohio.

Mr. MORAN of Virginia.

Mr. SCHUMER.

Mr. EVANS.

Mr. KENNEDY of Rhode Island.

Mr. KUCINICH.

Mr. LANTOS.

Mr. PASCRELL.

Mr. HAMILTON.

Mr. LIPINSKI.

Mrs. MEEK of Florida.

Mr. BENTSEN.

Mr. FATTAH.

Mr. FROST.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Mr. DAVIS of Virginia.

Mr. LEWIS of California.

Mr. RIGGS.

Mrs. ROUKEMA.

Mr. GINGRICH.

Mr. EVERETT.

Mr. SOLOMON.

Mr. COLLINS.

Mr. SMITH of Oregon.

Mr. TAYLOR of North Carolina.

(The following Members (at the request of Mr. ISTOOK) and to include extraneous matter:)

Mr. BASS.

Mr. TIERNEY.

Ms. MILLENDER-MCDONALD.

Mr. LEWIS of Kentucky.

Mr. CONYERS.

Mr. EVANS.

Mr. KANJORSKI.

Mr. TORRES.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

ADJOURNMENT

Mr. ISTOOK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 25, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8171. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Bamboo [Docket No. 96-082-2] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8172. A communication from the President of the United States, transmitting his requests for an emergency FY 1998 supplemental appropriation of $1,632.2 million for disaster relief activities of the Federal Emergency Management Agency, and accompanying amendment, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—234); to the Committee on Appropriations and ordered to be printed.

8173. A letter from the Chairman, Panel to Review Long-Range Air Power, transmitting the report of the Panel To Review Long-Range Air Power, pursuant to Pub. L 105—56 and Public Law 105—85, section 131; to the Committee on National Security.

8174. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 031198A] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98–28] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98–18] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8177. A letter from the Secretary of Defense, transmitting supplemental information on the proposed obligation of certain Cooperative Threat Reduction Program funds; jointly to the Committees on International Relations and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 3211. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; with an amendment (Rept. 105–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Rept. 105–459). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 390. Resolution providing for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes (Rept. 105–460). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 391. Resolution providing for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General (Rept. 105–461). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. 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; with an amendment (Rept. 105–462 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Small Business discharged from further consideration. H.R. 3310 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3310. Referral to the Committee on Small Business extended for a period ending not later than March 24, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon:

H.R. 3530. A bill to address the destruction and degradation of important forest resources on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory and analyze public and private forests, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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 Mrs. MALONEY of New York (for herself, Mr. MCDERMOTT, Ms. CHRISTIAN-GREEN, Mr. GEJDENSON, Mr. HILLIARD, Ms. KAPTUR, Mr. LANTOS, Ms. LOFGREN, Mr. NADLER, Ms. NORTON, Mr. RUSH, Mrs. THURMAN, and Ms. WOOLSEY):

H.R. 3531. A bill to support breastfeeding by new mothers and encourage employers to support workplace lactation programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, House Oversight, Government Reform and Oversight, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAN SCHAEFER of Colorado:

H.R. 3532. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 3533. A bill to terminate the exception provided for certain real estate investment trusts from the rules relating to stapled entities; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. PORTMAN, Mr. GOODE, Mr. SOLOMON, Mr. DREIER, Mr. BISHOP, Mr. ARMEY, Mr. STENHOLM, Mr. GOSS, Mr. MCINTYRE, Mr. LINDER, Mr. JOHN, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. MCINNIS, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. BOEHNER, Mr. DOOLITTLE, Mr. SESSIONS, Mr. CHABOT, and Mr. TURNER):

H.R. 3534. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Mr. ENSIGN (for himself, Mr. NEY, Mr. CHRISTENSEN, Mr. GIBBONS, and Mr. SHAYS):

H.R. 3535. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 3536. A bill to amend the Internal Revenue Code of 1986 to encourage the construction in the United States of luxury yachts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Mr. HASTINGS of Florida, Ms. KILPATRICK, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. MARTINEZ, Ms. DELAURO, Mr. LANTOS, Mr. PALLONE, Mr. WYNN, Ms. RIVERS, and Ms. JACKSON-LEE):

H.R. 3537. A bill to amend title 18, United States Code, to prohibit the delivery of alcohol to minors; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. GREEN):

H.R. 3538. A bill to amend title XXVII of the Public Health Service Act to limit the amount of any increase in the payments required by health insurance issuers for health insurance coverage provided to individuals who are guaranteed an offer of enrollment under individual health insurance coverage relative to other individuals who purchase health insurance coverage; to the Committee on Commerce.

By Mr. REDMOND (for himself, Mr. SKEEN, and Mr. SCHIFF):

H.R. 3539. A bill to amend the Radiation Exposure Compensation Act to provide for payment of compensation to individuals exposed to radiation as the result of working in uranium mines and mills which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on the Judiciary.

By Ms. RIVERS:

H.R. 3540. A bill to assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3541. A bill to amend the Internal Revenue Code of 1986 to provide that the $500,000 exclusion of gain on the sale of a principal residence shall apply to certain sales by a surviving spouse; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3542. A bill to clarify the Bureau of Land Management's authority to make sales and exchanges of certain Federal lands in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mrs. LINDA SMITH of Washington:

H.R. 3543. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a political committee from reimbursing a candidate for election for Federal office for amounts provided to the committee in support of the candidate's campaign; to the Committee on House Oversight.

By Mr. UPTON:

H.R. 3544. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Resources.

By Mr. BOYD (for himself and Mr. STENHOLM):

H. Con. Res. 248. Concurrent resolution expressing the sense of Congress that the Internal Revenue Code of 1986 should be reformed by April 15, 2001, in a manner that protects the Social Security and Medicare Trust Funds, that is revenue neutral, and that results in a fair and less complicated tax code; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. DOYLE, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. REYES, and Mr. RODRIGUEZ):

H. Con. Res. 249. Concurrent resolution stating the sense of Congress that substantial amounts of the proceeds received by the United States under any congressionally approved tobacco settlement should be allocated to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BEREUTER (for himself and Mr. BERMAN):

H. Res. 392. A resolution relating to the importance of Japanese-American relations and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. RILEY and Mr. SCARBOROUGH.

H.R. 306: Mr. KING of New York.

H.R. 543: Mr. PETERSON of Minnesota and Mr. LANTOS.

H.R. 612: Mr. REGULA, Mrs. MINK of Hawaii, Mr. WEXLER, Mr. HUTCHINSON, and Mr. LIVINGSTON.

H.R. 746: Mr. OBERSTAR.

H.R. 777: Mr. KENNEDY of Massachusetts.

H.R. 815: Ms. SÁNCHEZ.

H.R. 836: Mr. WEXLER, Mr. CHRISTENSEN, Mr. ADAM SMITH of Washington, and Mrs. MORELLA.

H.R. 859: Mr. LEWIS of Kentucky.

H.R. 864: Mr. GUTIERREZ, Ms. KAPTUR, Mr. MASCARA, Mr. SHERMAN, Mr. LANTOS, Ms. PELOSI, Mr. CUMMINGS, Mr. PASTOR, Ms. MCKINNEY, Mr. SNYDER, and Mrs. MINK of Hawaii.

H.R. 872: Mr. CAMP, Mr. FRELINGHUYSEN, Mr. LEWIS of California, and Ms. WOOLSEY.

H.R. 880: Mr. SMITH of Michigan.

H.R. 922: Mr. CAMP.

H.R. 923: Mr. CAMP.

H.R. 979: Mrs. MORELLA, Mr. JOHN, Mr. BARRETT of Wisconsin, Mr. PETERSON of Minnesota, Mr. SHERMAN, Mr. PASCRELL, and Mr. PACKARD.

H.R. 981: Mr. OLVER, Mr. BECERRA, Mr. DELAHUNT, and Mrs. CAPPS.

H.R. 982: Mr. WAXMAN.

H.R. 1070: Mr. SNYDER.

H.R. 1121: Mr. CHAMBLISS and Mr. REDMOND.

H.R. 1231: Mr. KENNEDY of Rhode Island and Mr. SKAGGS.

H.R. 1234: Ms. CARSON.

H.R. 1322: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.

H.R. 1378: Mr. GOODLATTE.

H.R. 1401: Mr. BOEHLERT.

H.R. 1500: Ms. SÁNCHEZ.

H.R. 1525: Mr. ANDREWS.

H.R. 1555: Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. FAZIO of California, and Mr. WEYGAND.

H.R. 1573: Mr. WAXMAN, Mr. FILNER, Mr. UNDERWOOD, and Mr. LAMPSON.

H.R. 1586: Mr. NADLER.

H.R. 1595: Mr. ENSIGN.

H.R. 1689: Mrs. JOHNSON of Connecticut and Mr. FOLEY.

H.R. 1737: Mr. ABERCROMBIE.

H.R. 1864: Mr. BLUMENAUER.

H.R. 2009: Mr. RODRIGUEZ, Ms. NORTON, Mr. LEVIN, Mr. FOX of Pennsylvania, Mr. HORN, Mr. PRICE of North Carolina, Mr. WYNN, Mr. KENNEDY of Massachusetts, Mr. STRICKLAND, Ms. JACKSON-LEE, and Mr. MEEHAN.

H.R. 2120: Mr. MORAN of Virginia.

H.R. 2124: Mr. DIAZ-BALART and Mr. GOODLING.

H.R. 2125: Mrs. ROUKEMA.

H.R. 2163: Mr. PAUL.

H.R. 2223: Mr. GIBBONS.

H.R. 2275: Mr. KUCINICH.

H.R. 2313: Mr. CAMPBELL.

H.R. 2396: Mr. MCHALE, Mr. OLVER, and Ms. STABENOW.

H.R. 2400: Mr. ROGERS.

H.R. 2424: Mr. GOSS.

H.R. 2433: Mr. LUTHER, Ms. LOFGREN, Mr. BARRETT of Wisconsin, and Mr. WAXMAN.

H.R. 2497: Mr. CONDIT.

H.R. 2538: Mr. COOKSEY, Mr. CALVERT, Mr. PAPPAS, Mr. GINGRICH, Mr. LANTOS, and Mr. THOMAS.

H.R. 2549: Ms. NORTON.

H.R. 2635: Mr. KUCINICH.

H.R. 2652: Mrs. TAUSCHER.

H.R. 2670: Ms. PELOSI and Mr. CASTLE.

H.R. 2701: Ms. BROWN of Florida, Mr. BORSKI, Mr. TORRES, and Mr. JENKINS.

H.R. 2821: Mr. HASTINGS of Washington and Mr. MCDERMOTT.

H.R. 2828: Mr. KENNEDY of Rhode Island.

H.R. 2829: Ms. JACKSON-LEE, Mr. MCINTOSH, Mrs. MORELLA, Mr. PAYNE, Mr. SISISKY, Mr. FORD, and Mr. MOAKLEY.

H.R. 2923: Mr. SHERMAN, Mr. STARK, and Mr. LEWIS of California.

H.R. 2938: Mr. BONILLA.

H.R. 2955: Mr. HINCHEY.

H.R. 2962: Mr. BALDACCI.

H.R. 3001: Mr. COYNE, Ms. PELOSI, and Ms. DEGETTE.

H.R. 3014: Mr. CAMPBELL.

H.R. 3048: Mr. CLYBURN, Mr. ROHRABACHER, and Mr. BILBRAY.

H.R. 3097: Mr. PETERSON of Pennsylvania.

H.R. 3099: Mr. WEYGAND and Mr. RANGEL.

H.R. 3131: Mr. GREENWOOD.

H.R. 3140: Mr. BARCIA of Michigan, Mr. SKEEN, Mr. TANNER, Mr. LUCAS of Oklahoma, Mr. WATTS of Oklahoma, Mr. ETHERIDGE, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. SMITH of Oregon, and Mr. HOEKSTRA.

H.R. 3155: Mr. EVANS.

H.R. 3181: Mr. FORD.

H.R. 3205: Mr. KILDEE and Mr. RODRIGUEZ.

H.R. 3211: Mr. WELDON of Florida, Mr. GOODLING, Mr. CHRISTENSEN, Mr. LARGENT, Mr. ABERCROMBIE, and Mr. KLECZKA.

H.R. 3217: Mr. HAYWORTH, Mrs. KENNELLY of Connecticut, and Mr. FOLEY.

H.R. 3241: Mr. PITTS.

H.R. 3242: Mr. CALVERT and Mr. ENGLISH of Pennsylvania.

H.R. 3249: Mr. WOLF.

H.R. 3255: Ms. FURSE.

H.R. 3260: Mr. RAMSTAD, Ms. RIVERS, Mr. OXLEY, Mr. PORTER, and Mr. PETRI.

H.R. 3269: Ms. FURSE and Mr. GREEN.

H.R. 3275: Mr. SCHIFF.

H.R. 3279: Mr. GONZALEZ and Mr. MARTINEZ.

H.R. 3295: Mr. MANTON, Mr. SPENCE, Mr. SKELTON, Mr. DEFAZIO, Mr. TURNER, Mr. HOYER, Mr. SYNDER, Mr. LUTHER, Mr. SISISKY, Mr. TAYLOR of Mississippi, Ms. MCKINNEY, Ms. FURSE, and Mr. WATT of North Carolina.

H.R. 3297: Mrs. EMERSON and Mr. CRAPO.

H.R. 3314: Mrs. MYRICK.

H.R. 3318: Mr. HYDE, Mr. DOOLEY of California, Mr. WATKINS, Mr. YOUNG of Alaska, Mr. KLINK, Mr. ROYCE, Mr. POMEROY, Mr. ENGLISH of Pennsylvania, Mr. COOKSEY, Mr. DAVIS of Virginia, Mr. PASCRELL, Mr. PAXON, Ms. FURSE, and Mr. NADLER.

H.R. 3331: Mr. LEWIS of Kentucky, Mr. HOEKSTRA, and Mrs. MYRICK.

H.R. 3335: Mr. MCCOLLUM.

H.R. 3336: Mr. SCARBOROUGH.

H.R. 3351: Mr. PORTMAN.

H.R. 3396: Mr. STOKES, Mr. WELDON of Pennsylvania, Mr. GOODLING, Mr. SISISKY, Mr. ROHRABACHER, Mr. MOAKLEY, Mr. HORN, Mr. BACHUS, Mr. SKEEN, Mr. FORD, and Mr. BALDACCI.

H.R. 3400: Mr. MCDERMOTT, Mr. SANDERS, and Mrs. CLAYTON.

H.R. 3433: Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. HULSHOF, Mr. RANGEL, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. THURMAN, Ms. KAPTUR, Ms. LOFGREN, and Mr. KLINK.

H.R. 3440: Mr. DAVIS of Florida.

H.R. 3464: Mr. EDWARDS and Mr. MARTINEZ.

H.R. 3469: Mr. BARRETT of Wisconsin.

H.R. 3502: Mr. GILMAN, Mr. HOYER, Mr. KLECZKA, Mr. BOEHLERT, Mr. BENTSEN, Mr. RAHALL, Mr. ADAM SMITH of Washington, and Mr. ANDREWS.

H.R. 3510: Ms. BROWN of Florida, Ms. FURSE, and Mr. SERRANO.

H.R. 3514: Mr. KILDEE, Mr. KUCINICH, and Mr. BENTSEN.

H.R. 3526: Mr. LEVIN and Mr. FARR of California.

H.J. Res. 71: Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. HALL of Texas, Mr. RAHALL, Ms. GRANGER, and Mr. SOLOMON.

H.J. Res. 78: Mr. ROGAN and Mr. OXLEY.

H. Con. Res. 188: Mr. HINCHEY.

H. Con. Res. 203: Mr. MORAN of Virginia and Mr. MCDADE.

H. Con. Res. 211: Mr. GOODLING.

H. Con. Res. 228: Ms. RIVERS, Mr. MATSUI, Mr. LUTHER, and Mr. DOOLEY of California.

H. Con. Res. 229: Mr. BARR of Georgia, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. FILNER, Mr. HUNTER, Mr. MCNULTY, Mr. PITTS, Mr. STEARNS, Mrs. THURMAN, Mr. WATTS of Oklahoma, and Mrs. WOOLSEY.

H. Con. Res. 239: Mr. LEACH.

H. Res. 83: Mr. BLUMENAUER.

H. Res. 363: Mr. CALLAHAN, Ms. PELOSI, Mr. BENTSEN, Mr. CLAY, Ms. FURSE, Mr. BACHUS, Mr. FARR of California, Mr. GUTIERREZ, Mr. SANDERS, Mr. GONZALEZ, and Mr. BILBRAY.

H. Res. 387: Mr. MEEHAN, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. OLVER, Mr. FILNER, Mr. SERRANO, Mr. SNYDER, Mr. TIERNEY Mr. MCGOVERN, and Mr. MANTON.

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. 740: Mr. SHIMKUS.
H.R. 981: Mrs. MYRICK.
H.R. 1415: Mr. MCINTOSH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2578

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 1: Page 2, after line 22, insert the following:

SEC. 3. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien;

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. REPORT.

(a) REQUIREMENT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 5. INCREASED RESOURCES FOR BORDER CONTROL AND ENFORCEMENT.

(a) INCREASED NUMBER OF INS INSPECTORS AT THE LAND BORDERS.—The Attorney General in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 300 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Immigration and Naturalization Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

(b) INCREASED NUMBER OF CUSTOMS INSPECTORS AT THE LAND BORDERS.—The Secretary of the Treasury in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 150 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Customs Service, above the number of such positions for which funds were made available for the preceding fiscal year. One-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border and one-half to the southern border of the United States.

H.R. 2578

OFFERED BY: MR. POMBO

AMENDMENT NO. 2: Page 2, after line 22, insert the following:

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

H.R. 2578

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 3: Page 2, strike lines 1 through 5 and insert the following:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking "1998." and inserting "2000.".

H.R. 2578

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 4: Page 2, after line 22, insert the following:

SEC. 3. VISA WAIVER PILOT PROGRAM FOR PHILIPPINE NATIONALS VISITING GUAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State shall establish a pilot program (hereinafter in this section referred to as the "pilot program") under which the requirement of section 212(a)(7)(B)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(i)(II)) may be waived by the Attorney General, in consultation with the Secretary of State, and in accordance with this section, in the case of an alien who meets the following requirements:

(1) SEEKING ENTRY INTO GUAM FOR 15 DAYS OR LESS.—The alien is applying for admission during the pilot program period (described in subsection (d)) as a nonimmigrant visitor (described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B))) and solely for entry into and stay on Guam for a period not to exceed 15 days.

(2) NATIONAL OF PHILIPPINES.—The alien is a national of, and presents a passport issued by, the Republic of the Philippines.

(3) FAMILY OBLIGATION.—The alien before the time of such admission completes an immigration form stating that the application for admission is occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

(4) ATTESTING SPONSOR.—The alien before the time of such admission submits an attestation executed by a sponsor of the alien, in which the sponsor attests, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that—

(A) the sponsor is a national of the United States residing on Guam;

(B) the sponsor is a spouse, parent, grandparent, aunt, uncle, brother, sister, son, or daughter of the alien; and

(C) the trip is occasioned by a family obligation described in paragraph (3).

(5) EXECUTES IMMIGRATION FORMS.—The alien before the time of such admission completes such other immigration forms (consistent with this section) as the Attorney General may establish.

(6) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

(7) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

(8) ROUND-TRIP TICKET.—The alien is in possession of a round-trip transportation ticket (unless this requirement is waived by the Attorney General under regulations).

(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

(1) to review or appeal under the Immigration and Nationality Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam; or

(2) to contest, other than on the basis of an application for asylum, any action for removal of the alien.

(c) LIMITATION.—The total number of nationals of the Republic of the Philippines who are admitted for entry into Guam pursuant to a waiver under this section may not exceed 100 during any calendar month.

(d) PILOT PROGRAM PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the pilot program period described in this subsection is the 12-month period beginning on the first day of the implementation of the pilot program.

(2) TERMINATION DUE TO HIGH OVERSTAY RATE.—

(A) IN GENERAL.—The pilot program period shall terminate upon a determination by the Attorney General that the overstay rate (defined in subparagraph (B)) with respect to any calendar month exceeds 20 percent. The termination under the preceding sentence shall take effect on the first day of the first month following the month in which the determination is made.

(B) OVERSTAY RATE.—For purposes of this paragraph, the term "overstay rate" means the percentage which—

(i) the total number of nationals of the Republic of the Philippines who were admitted for entry into Guam pursuant to a waiver under this section during the most recent month for which data are available, and who violated the terms of such admission; bears to

(ii) the total number of nationals of such country who were admitted for entry into Guam pursuant to a waiver under this section during such month.

(e) ENFORCEMENT AND REPORTING.—

(1) MEMORANDUM OF UNDERSTANDING.—Prior to the implementation of the pilot program, the Attorney General and the Government of Guam shall enter into a memorandum of understanding setting forth their respective obligations with respect to the program's operation. The memorandum shall contain provisions sufficient to ensure that the requirements of this section are enforced effectively, including provisions ensuring that the arrival and departure control system on Guam—

(A) will collect a record of departure for every alien who was admitted pursuant to a waiver under this section, and match the record of departure with the record of the alien's arrival in Guam; and

(B) will enable the Attorney General to identify aliens who remain on Guam beyond the period authorized by the Attorney General under this section.

(2) REPORTING ON ALIENS OVERSTAYING PERIOD OF LAWFUL ADMISSION.—The memorandum under paragraph (1) shall require the Government of Guam to report to the Attorney General in a timely manner (but not less than monthly) any information, in addition to the information described in paragraph (1), that the Government of Guam may acquire with respect to aliens admitted pursuant to a waiver under this section who remain on Guam beyond the period authorized by the Attorney General under this section.

(f) INCLUSION OF PHILIPPINES IN GUAM-ONLY VISA WAIVER PROGRAM.—

(1) PROGRAM REVIEW.—Upon the termination of the pilot program under subsection (d)(1), the Attorney General shall conduct a review of the success of the program and shall determine whether the overstay rates (as defined in subsection (d)(2)(B)) for the months comprising the pilot program period were excessive. The Attorney General shall complete the review, and shall issue the determination, not later than 6 months after the termination of the pilot program under subsection (d)(1).

(2) DETERMINATION OF SUCCESS.—Upon the issuance of a determination by the Attorney General under paragraph (1) that the overstay rates, when considered together, were not excessive, the Republic of the Philippines shall be deemed to be a geographic area that meets the eligibility criteria for inclusion in the visa waiver program under section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)).

(g) DEFINITIONS.—Except as otherwise provided in this section, the terms used in this section shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

H.R. 2589

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 1: Page 1, insert before section 1 the following:

TITLE I—COPYRIGHT TERM EXTENSION

Strike section 1 and insert the following:

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Term Extension Act".

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike "this Act" and insert "this title".

Strike section 6 and insert the following:

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

TITLE II—MUSIC LICENSING

SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness in Musical Licensing Act of 1998".

SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.

(a) BUSINESS EXEMPTION.—Section 110(5) of title 17, United States Code, is amended to read as follows:

"(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

"(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

"(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

"(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

"(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

"(B) no direct charge is made to see or hear the transmission;

"(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

"(D) the transmission is licensed.".

(b) EXEMPTION RELATING TO PROMOTION.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking "a vending" and inserting "an";

(2) by striking "sole";

(3) by inserting "or of the audio, video, or other devices utilized in the performance," after "phonorecords of the work,"; and

(4) by striking "and is within the immediate area where the sale is occurring".

SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(d) PERFORMING RIGHTS SOCIETIES; BINDING ARBITRATION.—

"(1) ARBITRATION OF DISPUTES PRIOR TO COURT ACTION.—

"(A) ARBITRATION.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

"(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

"(B) DEFINITIONS.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

"(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under

common ownership or control are not transmissions to the general public.

"(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

"(C) ENFORCEMENT OF ARBITRATOR'S DETERMINATIONS.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

"(2) COURT-ANNEXED ARBITRATION.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

"(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

"(3) TERM OF LICENSE FEE DETERMINATION.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination.".

(b) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

"(e) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection.".

SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

"(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

"(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed.".

SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works.".

SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

H.R. 2589

OFFERED BY: MR. COBLE

AMENDMENT NO. 2: Page 4, line 9, strike "of 1997".

Page 4, line 24, strike "of 1997".

Page 5, line 12, strike "of 1997".

Page 6, line 4, strike "of 1997".

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

"(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest.".

Insert the following after section 5 and redesignate the succeeding section accordingly:

SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

"Sec.

"4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

"§ 4001. Assumption of contractual obligations related to transfers of rights in motion pictures

"(a) ASSUMPTION OF OBLIGATIONS.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

"(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

"(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

"(b) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

"(c) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.".

(b) CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"180. Assumption of Certain Contractual Obligations ..... 4001".

H.R. 2589

OFFERED BY: MR. MCCOLLUM

(To the Amendment Offered by: Mr. Sensenbrenner)

AMENDMENT NO. 3: In lieu of the matter proposed to be inserted as title II, insert the following:

TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness In Music Licensing Act of 1998."

SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking "(5)" and inserting "(5)(A) except as provided in subparagraph (B),";

(2) by adding at the end the following:

"(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

"(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

"(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

"(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

"(ii) no direct charge is made to see or hear the transmission or retransmission;

"(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

"(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;"; and

(3) by adding after paragraph (10) the following:

"The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption".

SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§ 512. determinations of reasonable license fee for individual proprietors

"In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3 food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

"(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

"(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

"(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

"(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

"(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

"(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

"(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

"(8) For purposes of this section, the term 'industry rate' means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

"512.Determinations of reasonable license fee for individual proprietors.".

SEC. 204. DEFINITIONS.

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of "display" the following:

"A 'food service or drinking establishment' is a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.";

(2) by inserting after the definition of "fixed" the following:

"The 'gross square feet of space' of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.";

(3) by inserting after the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc."; and

(4) by inserting after the definition of "pictorial, graphic and sculptural works" the following:

"A 'proprietor' is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor."

SEC. 205. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

SEC. 206. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.

EXTENSIONS OF REMARKS

MINIMUM WAGE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article the Wall Street Journal which was written by a woman who owns a small business in the Sixth district of Georgia. Although the President may have good intentions when he suggests that raising the minimum wage would help working Americans, I believe that Ms. Cane points out that another minimum wage increase would actually hurt the people it is trying to help which include teenagers, working mothers, and single parents.

[From the Wall Street Journal, March 13, 1998]

MINIMUM WAGE: WHO PAYS?

(By Harriet F. Cane)

President Clinton and his allies in Congress are calling for another increase in the minimum wage. But they should consider the experience of small-business owners like me, who struggled through the last increase. I own and manage a small cafe. I have had as many as 16 employees; I now have nine. Most of them are teenagers; the rest, working mothers.

Before the last increase I wrote letters to the president and my congressmen. I explained that the mandated wage increase was only the tip of the iceberg. To maintain the wage increment for senior employees, I would have to raise their wages above the new minimum. My monthly payroll would increase by $570—and that didn't include the payroll taxes for Social Security, Medicare, unemployment insurance and workman's compensation. For my efforts I received nicely worded form letters about the benefits of the wage increase.

When the increase passed, I had to reduce staffing hours. Result: I am working harder to earn my money. I already worked six days a week, every week. The staffing cutbacks increased my workload by 15 hours a week. I also cut back on outside services, so I am now mopping my own floors two weeks each month and doing all my own accounting, the weekly laundry and as many of the repairs as I can.

When Mr. Clinton signed the wage increase into law, he had by his side a minimum-wage worker who stated that now she did not have to choose between paying her electric bill or her gas bill. The same evening, our local news interviewed a woman who said she would now be able to buy her daughter a compact disk player for graduation. I do not begrudge either of these women their good fortune. But business owners work hard too, and we also have to make tough choices. I suffer from several chronic illnesses, and the wage increase has forced me to cut back on medical care.

Money for minimum wage increases has to come from somewhere, Mr. Clinton's proposed increase would raise my annual payroll by $7,200, forcing me to close my doors. To the politicians I say this: You have the power to destroy the American Dream for thousands of small business owners. If you pass another increase in the minimum wage, you can tell the teenagers and working mothers I employ why they no longer have jobs. Then try asking for their votes.

IN HONOR OF SHAUN HUGHES ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Shaun Hughes of Cleveland, Ohio, who will be honored April 4, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving, first aid; citizenship in the community, citizenship in the nation; citizenship in the world, personal management of time and money, family life, environmental science, and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Shaun for his achievement.

QUAKER SPRINGS FIRE DEPARTMENT CELEBRATES 50 YEARS OF COMMUNITY SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, anyone who visits my office can't help but notice the display of fire helmets that dominates my reception area. The main reason for this is the fact that I learned firsthand the true value of Fire Companies. While serving as Queensbury Town Supervisor, and a New York State Legislator, I had the privilege of being an active member of the Queensbury Central Volunteer Fire Company. It was this experience that gave me a tremendous respect for those who provide fire protection in our rural areas.

In a largely rural area like the 22nd District of New York, fire protection is often solely in the hands of volunteer companies. In New York State, as elsewhere, they save countless lives and billions of dollars worth of property. That is why the efforts of people like the fire fighters in the Quaker Springs Fire Department is so very critical.

Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. The town of Saratoga is certainly no exception. The traits which make me most fond of such communities are the undeniable camaraderie which exists among neighbors and their strong civic pride. Looking out for one another and the needs of the community make places like the Quaker Springs Fire District great places to live. This concept of community service and pride is exemplified by the devoted service of the members of their volunteer fire department. For 50 years now, this organization has provided critical services for its neighbors on a volunteer basis.

Mr. Speaker, it is all too rare that you see fellow citizens put themselves in harm's way for the sake of another. For the members of the Quaker Springs Fire Department, however, this is a day to day occurrence. Our young people would do well to emulate the selfless service of these noble individuals. On April 19, 1998 the fire company will be holding a ceremony to commemorate this milestone. This will provide the ideal opportunity for the residents of the area to extend their gratitude to this organization and its members, both past and present.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. By that measure, the members of the Quaker Springs Fire Department are truly great Americans. I am extremely proud of this organization because it typifies the spirit of volunteerism which has been a central part of American life. To that end, it is with a sense of pride, Mr. Speaker, that I ask all members of the House to join me in paying tribute to the Quaker Springs Fire Department on the occasion of its 50th anniversary.

TRIBUTE TO THE 100TH ANNIVERSARY OF THE BOROUGH OF TOTOWA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the truly momentous occasion of the 100th Anniversary of the Borough of Totowa in Passaic County, New Jersey.

The incorporation of Totowa in 1898 as a municipality in Passaic County, New Jersey, defined the boundaries that included the 3.7 square miles of mountain, meadows, rivers, and glens that are known today as Totowa Borough.

The original inhabitants of Totowa were the Minsi tribe of the Lenni-Lenape people. "Minsi" means "people of the stony country." The Lenni-Lenape word "Totauwei," from which we get the name Totowa, has been translated to mean "heavy falling weights of water" or "where the water dives and reappears." Many historians believe this was in reference to the Great Falls of the Passaic River in Paterson.

Settled by the Dutch around 1620, Totowa soon became part of the thriving, larger Dutch colony in the New York-New Jersey area. The colony changed to British rule in 1664 until the War for Independence began in 1776 and set the stage for a new nation.

Totowa's shining moment in our nation's history came during the summer and fall of 1780 when General Washington and his Continental Army positioned themselves along the Totowa ridges, protected by the high ground and overlooking the river barrier to the East. During this time, some of our greatest patriots trod on Totowa's soil. Among this group were Generals Washington, Wayne, Knox, Stirling, Huntington, Glover, Saint Claire, Howe, and Greene. Additionally, the famous Marquis de Lafayette, Baron von Steuben, and the young Colonel Alexander Hamilton were also Totowa's honored guests.

During Washington's encampment, the Army's most valued possession was their artillery, gathered at great risk and cost. General Washington and his Artillery Officer, General Henry Knox, chose to place their cannons close to Totowa Road where they could be used to support the army, but were to be quickly withdrawn Westward in the event of a British breakthrough. Indeed some of the street names such as Artillery Park Road, Knox Terrace, Battle Ridge Trail, and Lookout Point Trail reflect this proud period in our history.

The Borough of Totowa was part of Essex County and then Bergen County before the County of Passaic was formed in 1837. Until the incorporation in 1898, Totowa was part of Manchester Township. The first election in the new municipality showed 85 registered voters with 75 voting on April 12, 1898.

From humble beginnings, Totowa has enjoyed steady growth until the end of World War II, which brought an influx of young families into the Borough thus doubling the population in the following decade. Today, through the efforts of citizens past and present, Totowa has become a balanced community with a blend of commerce, industry, and residential areas designed to provide affordable suburban living for its residents. In return, Totowa citizens have developed a tradition of volunteer service to their community, giving freely of their time and energy to benefit their neighbors.

Mr. Speaker, I ask that you join me, our colleagues, and Totowa's Mayor, Council, and residents in celebrating the truly momentous occasion of the Borough of Totowa's 100th Anniversary.

IN HONOR OF JOSEPH M. CONDON ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Joseph M. Condon of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Joseph for his achievement.

HAROLD JORDAN: AMERICAN HERO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That is why I travel home to my congressional district nearly every weekend, to spend time in the picturesque towns with the remarkable people of the 22nd district of New York.

Harold Jordan, of Greenwich, New York, epitomizes what I love most about my constituents: the undeniable selflessness and camaraderie which exists among neighbors who always look out for one another and the needs of the community. Harold has been a member of the Greenwich Volunteer Fire Department for forty-seven years, and still maintains active status, having responded personally to 90% of the calls in 1997. He has constantly put himself in harm's way for his fellow citizens, saving countless lives and dollars in property damage over his long and storied term of service. Harold has spent the majority of his life protecting his community in this way, and as a former volunteer fireman myself, I understand and appreciate the commitment required to perform such vital public duties.

Just as important as the lives and property which Harold has helped save is the example he's set for others around him, especially for young people. In our fast-paced modern society, the joy and responsibility of volunteering too often fall by the wayside in the quest for wealth and status. I am proud to say that people like Harold Jordan prove that in the 22nd district of New York, the spirit of voluntarism which made America great is still alive and well!

Mr. Speaker, I have always been one to judge individuals in large part by the amount of time and care they give back to their community. By that measure, Harold Jordan is truly a great American. We should all strive to emulate the service of this small-town hero, taking time out of each of our days to further the health and well-being of our communities. With that in mind, Mr. Speaker, I ask all Members to join me in paying tribute to Harold Jordan in honor of his extraordinary forty-seven years of service as a volunteer fireman.

TRIBUTE TO LIEUTENANT JOHN REAGAN ON THE OCCASION OF HIS RETIREMENT FROM THE CHICAGO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a dedicated police officer who has spent 36 years protecting the lives and property of his fellow citizens, Lieutenant John T. Reagan of the Chicago Police Department.

Since 1962, Lieutenant Reagan has served the city of Chicago and his community, including many people from my district, as a member of the Chicago Police Department. Most recently he has worked in the Violent Crimes Office One Detective Division.

On March 5, 1998, however, Lieutenant John Reagan retired from the police force. His presence will certainly be missed, both by his fellow officers and by the members of his community who he has served diligently for many years.

Mr. Speaker, I salute Lieutenant John T. Reagan on his 36 years of service as a police officer. I would like to extend my very best wishes for continued success and happiness on his retirement and in the years to come.

TRIBUTE TO SISTER PATRICIA CODEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Sister Patricia Codey who is being honored this evening at the 55th Annual Dinner Dance of the Friends of Brian Boru.

Sister Patricia is being honored this evening with the organization's "Irish Religious of the Year Award." This award is given in recognition of her selfless and dedicated service, efforts and contributions that have served to improve the quality of life for the residents of the State of New Jersey.

Sister Patricia's remarkable record of leadership includes teaching at Saint Paul's in Clifton, law intern at the Essex County Prosecutor's office, and Assistant Federal Defender in the Federal Public Defender's office in Newark.

Additionally, Sister Patricia serves her fellow citizens as Representative in the Sisters of Charity Southern Provincial Assembly, the Red Mass Committee, the Seton Hall Law School, the Archdiocese of Newark Response Team, and the Judicial and Prosecutorial Appointments Committee in Essex County.

Mr. Speaker, I ask that you join me, our colleagues and, Sister Patricia's family and friends in recognition of Sister Patricia Codey's many outstanding and invaluable contributions to the community.

IN HONOR OF ZACHARY J. BROWN ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Zachary J. Brown of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Zachary for his achievement.

TOWN OF WINDHAM CELEBRATES 200TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That is why I travel home to my congressional district every weekend, to spend time in the picturesque towns with the remarkable people of the 22nd district of New York. I truly believe that the people and places around my home are among the most beautiful and welcoming in the world.

Nestled in the scenic Catskill Mountains in upstate New York, the town of Windham typifies what I love most about my district. Much is said about the loss of traditional values in many parts of our nation. In Windham, however, like many of the towns and villages of the 22nd district, the spirit of community is still going strong. The citizens of Windham know their neighbors, and, in a tradition dating back to the founding of our nation, they know that if they are ever in need, their fellow citizens will be there for them without question. This spirit is the foundation on which America was built, and I am proud to say that in my district, in Windham, New York, the people still put their community first.

Mr. Speaker, on March 27, 1998, Windham celebrates its 200th anniversary. After two centuries, Windham is still thriving and setting an example of small-town values, from which I believe many other cities and towns could learn a great deal about creating a wonderful environment to live and raise a family. In that spirit, Mr. Speaker, I ask that all members join me in paying tribute to Windham, New York on the occasion of it's bicentennial celebration. May the next two hundred years be even better than the first.

YOUTH LEADERSHIP AT ITS FINEST—CHRISTOPHER JACKSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from my district, Christopher Jackson. Christopher, a senior at Marist High School, has proven himself time and time again to be an intelligent, energetic and multi-talented individual.

I have been acquainted with Christopher for several years now. For the past 28 years I have sponsored an "All American Boy, All American Girl" which annually recognizes outstanding seventh and eighth grade students in my district on their accomplishments both academically and service within the community. Christopher is the first and only participant of the "All American Boy" competition to have won twice.

Christopher Jackson possesses strong qualities as a leader amongst his peers and as a role model for others. He is a caring person who is always willing to lend a helping hand in the community. Christopher remains active both academically and athletically in school and performs various community service duties throughout the community, has excelled remarkably in his scholastic and athletic areas.

In the fall of 1997, Christopher was honored as a finalist of the Wendy's High School Heisman award. Out of a pool of 10,020 chosen for the competition, 12 national finalists were invited to New York City for the awards program and banquet. Students are nominated for this award based on their individual academic achievements, athletic accomplishments, and community service. Mr. Jackson has demonstrated all of the above with great performance and is a truly well developed individual.

I would like to extend my best wishes as Christopher graduates from Marist High School in May 1998 and with all his future endeavors. Christopher is an energetic and intelligent individual who will have a bright future with all he chooses to accomplish. I would also like to extend my warmest wishes to his family as Christopher is headed toward success.

TRIBUTE TO VERONICA "RONNIE" SOMMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Ms. Veronica "Ronnie" Sommer who is being honored this evening at the 55th Annual Dinner Dance of the Friends of Brian Boru.

Ronnie is being honored this evening with the organization's "Irishwoman of the Year Award." This prestigious award is given in recognition of her selfless and dedicated efforts, and contributions that have served to improve the quality of life for the residents of Essex County and the surrounding community.

Ronnie's remarkable record of leadership includes 20 distinguished years of service on the Saint Patrick's Day Parade Committee, of which in 1996 she served as the Parade's Deputy Grand Marshall.

Additionally, Ronnie has served her fellow citizens as an active member of the "Women of Irish Heritage," where she has served as President from 1987 through 1989, and is currently the President for a second term; the New Jersey Irish Festival for 16 years; Independent Irish for 12 years; and many other numerous Irish organizations.

Mr. Speaker, I ask that you join me, our colleagues and, Ronnie's family and friends in recognition of Veronica "Ronnie" Sommer's many outstanding and invaluable contributions to the community.

IN HONOR OF ST. PATRICK'S PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the sesquincentennial of St. Patrick's Parish, one of Cleveland's foremost Catholic congregations. During its tenure, St. Patrick's has served as a beacon for the religious community of West Park in Cleveland and, recently, has taken numerous steps to service the people of the community.

St. Patrick's Parish was founded on March 17, 1848 in the home of Morgan Waters, a humble beginning for the church. In the first years of its existence, St. Patrick's was a parish without a home, but the generosity of many in its congregation served its spacial needs. In 1851, Patrick Lahiff donated a half-acre of land and after three years of construction, a wood frame church was built. The parish school was founded a few years later and several groups of Cleveland-area sisters such as the Sisters of Notre Dame and the Ursulan Sisters were brought in to educate the students.

After years of service to the parish community, the old wood church was torn down in favor of a large, impressive, spacious stone church. The new building was dedicated in 1898 and has continued to serve as a sanctuary for the community until this day. The parish received its first resident pastor in 1910 and has continued to grow in its population ever since.

The main focus of St. Patrick's in this century has been service to the community. During the Great Depression, the parish operated a school and tried to feed the hungry and cold of the area. St. Patrick's Hunger Center was installed many years later as a way to continue service to the less fortunate of the community. Also, a parish council was established to better service the congregation of St. Patrick's.

St. Patrick's has clearly been a beacon for the community of West Park in Cleveland during its 150 year existence. My fellow colleagues, join me in saluting a gem of the West Park neighborhood, St. Patrick's Parish.

INTER-CLUB COUNCIL AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleague, Mr. MORAN, and myself great pleasure to rise today and pay tribute to Mrs. Martha McCash and Mrs. Thelma Gallant McDonald, two outstanding citizens of Northern Virginia for their dedicated community service. On March 25, they will be honored by the Inter-Service Club Council of Springfield ISCC as co-recipients of the Bob Westmoreland Award for Person of the Year.

Martha is currently the Secretary of the Kiwanis Club of Springfield and formerly served as President. She coordinates the activities of twenty-two Kiwanis-affiliated Key Clubs in area high schools. Martha's devotion and hard work has earned her the support of the high schools' faculty advisors, the President of the Springfield Club, and the Capital Kiwanis Key Clubs Zone Administrator. Her past honors for outstanding community service include the Capital District Kiwanis Governor's Distinguished Service Award, the Kiwanis International Distinguished Club Officers Award for 1995, and 1996 and 1997, and the Capital District Kiwanis Distinguished Member Award for 1994, 1995, 1996 and 1997. Martha's clear dedication to service makes her truly deserving of the Bob Westmoreland Award.

Thelma has persevered through the great personal loss of being twice-widowed, to devote herself to community service. For ten years, she was involved in American Legion Auxiliary Unit 176 Junior activities. As a Girl Scout Troop Leader, Thelma was active in a program to provide performing groups to local schools. She has been involved with the Host Lions Club for thirty-five years, first as a spouse, then as member in 1994. There she trained and managed Lions Club sponsored baton corps, served on the Club Board of Directors, chaired the local Nursing Home Bingo prize project, and chaired a project that collected over one hundred lap rugs for a nursing home and seniors. In addition, she is active in church programs to aid handicapped children and a local nursing home, and has logged over one thousand hours of volunteer service at Fairfax Hospital. The Bob Westmoreland Award is well bestowed on Thelma with her unwavering commitment to others.

Mr. Speaker, we know our colleagues join us in congratulating these two outstanding women on their service and dedication. We appreciate their true spirit of giving and helping others that makes the Northern Virginia community such a fine place to live and work.

OUR LADY QUEEN OF PEACE CHURCH CELEBRATES 50TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to Our Lady Queen of Peace Church on its 50th Anniversary as a Church and Parish in the Archdiocese of Washington.

Fifty years ago, Our Lady Queen of Peace was little more than a mission of the St. Francis Xavier Church that at the time was said to be the largest parish in Southeast Washington. On the eve that it was formally announced as a parish, it had no building of its own and was in fairly embryonic state. It had been established as a mission in March 1943 during the turbulence of World War II by the late Monsignor Joseph V. Buckley. If there was a physical edifice to call home, it was distributed between three buildings: The City Bank Building, the Senator Theater and a small store building, all of which were clustered along Minnesota Avenue just below Benning Road. These were indeed humble circumstances and remained so for nearly nine years. The church's early parishioners, bolstered by their first pastor, Reverend James H. Brooks, set to work helping him to build and organize the new parish. In January of 1950, construction began on the church and school at its present location, the corner of Ely Place and Ridge Road, SE. The first Mass of the Eucharistic Celebration was held on December 24, 1951, in the building while it was under construction.

Even in that long ago generation, before Queen of Peace had a home of its own, its members were founding organizations to address social concerns extending beyond the church membership. That membership was composed of many converts and non-Catholics who were regular Sunday mass worshipers. Many of these organizations are cornerstones of Our Lady Queen of Peace and have been active for almost as long as the parish has existed. Such groups as the St. Vincent de Paul Society, the Sodality, the Parish Credit Union, the Parish Council, the Men's Club, the Catholic Youth Organization (CYO), and the Scouting programs fall in this category. They have done much to make Our Lady Queen of Peace the still "young, but strong and active" church that it is. These groups, and their activities, encourage brotherhood in the true sense of the word both within and outside the parish.

Since that time, mainly under the umbrella of the Social Justice and Community Outreach committees of the Pastoral Council, new organizations have emerged in response to the needs of the neighborhood-at-large as well as the parish family. One particular endeavor the Church recently worked on with the community was to put pressure on the city to remove abandoned buildings located on Ridge Road SE that had become havens for drug traffic.

There are now groups and ministries providing real support: food for the mind as well as the body. Ministries such as Visitation of the Sick and Shut-In, the Community Empowering and Outreach in Public Housing and the Reclaiming Our Youth and Mentoring Program are but a few of these organizations. There are also ministries such as SOME and SHARE that prepare and distribute food for the hungry, the Prison Ministry and the Youth Ministry. The HIV/AIDS Ministry of Hope and Love is only a few months old and works side-by-side with the venerable St. Vincent de Paul Society that has been meeting the needs of the poor in the community for its 50 years in existence at Our Lady Queen of Peace.

Mr. Speaker, I ask this august body to join me in saluting a snapshot of this church, itself homeless for more than eight years of its early life, yet rooted from the start to build, love and serve families.

HONORING THE 60TH REDWOOD REGION LOGGING CONFERENCE AND DON ANDERSON

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. RIGGS. Mr. Speaker, I rise today to recognize the 60th Anniversary of the Redwood Region Logging Conference and its 1998 Achievement Award Winner, Don Anderson.

For over 60 years the Redwood Region Logging Conference has provided a forum for the exchange of ideas by focusing on the improvement of forest management and harvesting practices in the redwood and Douglas-fir forests of Northwestern California. The Conference provides an opportunity to showcase the men and women of the logging industry to the communities in which they work and live.

The organization was founded in 1936 by Professor Emanuel Fritz. Thirty-six men attended the first meeting a the Eureka Inn in Eureka, California. Professor Fritz thought a logging conference was a great opportunity to bring loggers together for an exchange of ideas and to become better acquainted with one another. That first meeting was an unqualified success, and the Conference has been an annual affair since 1936, with only a short lapse during World War II.

The Redwood Region Logging Conference is an industry leader because of its exemplary education program. The goals of the program are to educate the public and students on forestry and logging practices in the Redwood Region. The Conference is the major sponsor of the Redwood Forest Institute for Teachers, the Temperate Forest Teacher Tour, the northcoast section of Future Farmers of America Forestry judging contest. Additionally, the Conference funds the transportation needs for the field trips which give children a better understanding of the forestry and logging industry. Each year, over $10,000 of academic scholarships are awarded to forestry students from accredited forestry programs throughout California. Also, approximately two thousand children attend the annual Forest Education Day which is held during the Logging Conference.

I would also like to recognize this year's Redwood Region Logging Conference Achievement Award winner, Don Anderson. Don was born in Wisconsin in 1926 and at the age of seventeen had his first taste of logging while working for Peterson Brothers Logging at a logging camp near Mercer, Wisconsin. After a stint as a Merchant Seaman from 1944 to 1946, Don landed in Fort Bragg, California where he met his future wife, Marie. Don and Marie have three children, Donna, Mike, and Joe, six grandchildren and three great-grandchildren. The Andersons celebrated their fiftieth wedding anniversary last year.

In 1947, Don was reunited with the logging industry, working a myriad of jobs within the industry. In 1963, Don and Marie refinanced their home and went into the logging business as a junior partner in Eastman Logging. Don went into business on his own and Anderson Lagging was born in 1977. By 1983, it became obvious to Don that his sons, Mike and Joe, were ready and able to run the company he had founded. Mike and Joe took over the business in 1983 and have built it into a very successful company.

There have been many hard working men and women over the past 60 years, who, just like Don and Marie, have worked in and cared for the forests of northern California. These men and women have contributed much to the communities where they have lived, worked, and raised their families. The Redwood Region Logging Conference has done the logging industry a great service by highlighting these individuals through their Annual Achievement Awards.

Once again, I salute the Redwood Region Logging Conference and its 1998 Achievement Award winner, Don Anderson.

A TRIBUTE TO THE HIGHLAND WOMEN'S CLUB

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of the Highland Women's Club of Highland, California. Earlier this year, the club marked its centennial as an active and vibrant part of the local community.

On January 14, 1898, ten ladies in the village of Highland met to organize the Pleasant Hour Club. From this small beginning, the first library hall was built and, with the assistance of the members of the Pleasant Hour Club, furnished and manned. Later, after this first building burned, another library hall and public library was built in what is now the Knights of Pythias Hall on West Main Street. The Pleasant Hour Club met in both of these buildings.

In 1926, the people of Highland raised money to build a facility at the corner of Palm Avenue and Main Street. A lovely large Spanish style building, it housed the public library, the Chamber of Commerce, and a very large beautiful meeting room with a stage, fireplace, and large kitchen. The building was finished in 1926 and was given to the Highland Women's Club to maintain.

Over the years, the building was used for a variety of purposes—Chamber banquets, church affairs, community service work, square dancing, and even the crowning of several Miss Highland contestants for the National Orange Show. Largely because of the expense of maintaining the building, the women of the club sold the building to the Highland Temple Baptist Church in 1975.

The outstanding work of the Highland Women's Club is well known and deeply appreciated by local citizens. It has been actively involved with the PTA, little league, scouting, 4–H and other activities relating to the youth of our community. It has also played a role in raising awareness of fire safety rules among grade school students and purchasing supplies for the first paramedic truck in Highland, as well as the Jaws of Life for the local fire station. The Women's Club also assisted the Highland Citizens Patrol with the purchase of uniforms as well as with the purchase of radio equipment for the local sheriffs office.

The contributions made by the Highland Women's Club to education has been nothing short of remarkable. It has adopted the Highland Head Start School in recent years and has also taken part in the Pennies for Pines Program since the 1950's. All of these activities underscore one fundamental point: the Highland Women's Club has made a difference for 100 years and is well on its way to making a difference for at least another 100 years.

Mr. Speaker, I ask you to join me and our colleagues in recognizing the outstanding contributions made to our local community by this tremendous organization. The Highland Women's Club represents the very finest in civic and community affairs and it is only appropriate that the House recognize this organization during its centennial celebration.

IN HONOR OF BRIAN J. SAMMON ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Brian J. Sammon of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Brian for his achievement.

CELEBRATING RHODE ISLAND MANUFACTURING

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of the second annual Rhode Island Manufacturing Week taking

place from April 27 to May 1 of this year. The conference is a celebration of the significant role manufacturing has played and will continue to play in the lives of the people of Rhode Island. But it is much more than that. The week-long seminar is an opportunity to educate the over 2,500 manufacturing companies in Rhode Island about the latest in technological business advances. It is an opportunity to stress the necessity of adapting to the constant cultural and societal changes that impact our economy. In short, it is an opportunity to ensure that Rhode Island manufacturers remain competitive in today's rapidly changing market.

This year, the Rhode Island Manufacturing Week organizing committee is honored to have Mr. Daniel S. Goldin, Administrator at NASA, as its keynote speaker. Mr. Goldin will discuss the most modern NASA technology, and how that technology can be commercially applied to improve the changing face of business. As we all know, an essential element in the growth of our nation is the sustained success of our manufacturing infrastructure. This industry is a part of our historical job base, and is a key to our economic future.

Today in Rhode Island, there are over 80,000 high skill/high wage manufacturing jobs. Successful public/private partnerships there are proving that the government and private corporations can work together to not just succeed, but rather flourish. Simply put, Rhode Island is taking the lead in what should be a nationwide fight to reinvigorate American manufacturing. The Manufacturing Week Conference is a giant step in this direction.

As the birthplace of the Industrial Revolution, Rhode Island long ago recognized the significance of manufacturing. In 1790, innovations by Rhode Islander Samuel Slater helped spur along industrial changes that dramatically impacted both our nation and the world. Since that time, technological improvements have continued to alter the landscape of the business industry. In order to stay competitive in this environment, leadership is necessary to educate and sustain our businesses. The Rhode Island Manufacturing Week Conference is attempting to provide that leadership, to provide that education, to provide that sustenance, so that our economy, and in turn our nation, can continue to grow as it should.

IN HONOR OF RABBI ALLEN & ALISA SCHWARTZ

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SCHUMER. Mr. Speaker, I wish to take this opportunity to commend members of my community for their outstanding service, Rabbi Allen and his wife, Alisa Schwartz. This will mark the 125th anniversary of Congregation Ohab Zedek along with the 10th anniversary of the arrival of Rabbi and Mrs. Schwartz to the fold.

Since Rabbi Schwartz joined Congregation Ohab Zedek, things have not been the same. In ten years, membership has increased 600 percent. Under his direction, the Congregation has instituted countless charitable programs such as food delivery for the homebound, hospital visits and clothing, food and toy drives. His presence and service have helped to guide the 125 year old congregation into becoming a vibrant part of the upper West Side community.

Mrs. Schwartz has been equally successful in her activities at the Congregation. She has been very active in her efforts to develop a children's program at Ohab Zedek as well as a Shiurim for women of the congregation. Mrs. Schwartz has worked diligently side by side Rabbi Schwartz to create a true sense of community among the congregants.

In addition to being senior rabbi at Ohab Zedek, Rabbi Schwartz finds time to teach Bible at Yeshiva University, where he was also ordained. He is currently working on his doctoral thesis on the Methodology of Rashi and has published numerous themes on Bible, Rabbinics, Halakha and Jewish thought. He also manages to find time to write Bible curriculum for Jewish Day Schools and lectures on behalf of the Board of Jewish Education in New York.

I would like to take this opportunity to commend both Rabbi and Mrs. Schwartz for their limitless generosity to the congregants of Ohab Zedek. Their devotion to the community and effort to promote Jewish education is admirable. I wish them the best on this ten year anniversary with Ohab Zedek and to the congregation, many more great years of fellowship.

CONGRATULATING ELIZABETH AMES AS WOMAN OF THE YEAR

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Elizabeth Ames, of Stewartville, New Jersey, on being named "Woman of the Year" by the Warren County Commission for Women. Mrs. Ames has had a distinguished career as a volunteer in many areas of community life but has been especially dedicated to the cause of public education. She has served on local school boards for nearly three decades, been active in the Warren County School Boards Association and has been on the New Jersey School Boards Association's board of directors for 20 years. She has been called upon by the state Department of Education many times for her expertise in a variety of subjects. In all of this work, Mrs. Ames' goal has been to improve the quality of education for the children of our community. As a former teacher and school board member myself—and the mother of children who attended public schools—I can attest to the importance of this work. This high honor is well deserved.

Mrs. Ames holds a degree in bacteriology from the University of Pennsylvania, where she met her husband, veterinarian Sherman Ames II. She worked several years as a research chemist at General Aniline and Film Corp. before becoming business manager of her husband's practice. She was also a research fellow at the Hospital of the University of Pennsylvania, where she conducted government-sponsored research on hepatitis.

Mrs. Ames has been a member of the Warren Hills Regional Board of Education since 1969, serving twice as president, currently as vice president and chairing a variety of committees over the years. She has been a member of the Franklin Township Board of Education since 1974, serving three times as president, chairing several committees and serving on the Community Council. She is a former president of the Warren County School Boards Association and served on the board of directors of the New Jersey School Boards Association form 1975–1996.

The state Department of Education called on Mrs. Ames to serve on its High School Graduation Requirements Committee in 1977 and to participate in its retreat to study reorganization of the department in 1991. She worked with the department's Northwest Educational Improvement Center from 1973–1979, serving one year as chairwoman. In 1985, she participated in the Executive Academy for School Board Members.

Mrs. Ames is a former chairwoman of the Warren County Economic Commission and has been involved in career education coordination, family life planning and the student foreign exchange program. She is a trustee of the Charles Smith Foundation.

A former ballet dancer, Mrs. Ames is also an avid swimmer. She and Dr. Ames live in Stewartville. They have five children and nine grandchildren.

I would like to take this occasion to bring attention to the achievements and service of this outstanding woman and add the recognition of my colleagues in this House for all she has done for Warren County. She deserves this honor for her many years of hard work and dedication.

IN HONOR OF DANIEL J. GARNEK ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Daniel J. Garnek of Cleveland, Ohio, who will be honored March 29, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and congratulate Daniel for his achievement.

TRIBUTE TO CARL STEPHENS—ALABAMA BROADCAST LEGEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVERETT. Mr. Speaker, I have been informed that one of Alabama broadcasting's best loved personalities will soon retire after 40 years behind the microphone and television camera.

A native Alabamian, Carl Stephens was practically born into his profession. A radio sportcaster at the age of ten in his native Gadsden and student manager of the college radio station while at the University of Alabama, Carl Stephens began his television career at the Alabama Educational Television Network before settling in as one of the states' best-known on-camera personalities at WSFA TV in Montgomery.

At WSFA, Carl Stephens forged a 38-year career witnessing and reporting some of Alabama's and the nation's most historic events during the 1960s. Despite his contribution to news reporting in Alabama, it is noteworthy that Carl is best known by many Alabamians for his other roles. As host of a popular children's cartoon show in the late 1950's and coanchor of the Auburn Football Review for many years, Carl's genteel charm and warm personality best shown through the television screen, earning him wide respect and many loyal fans.

Carl will begin his well-deserved retirement effective this Thursday, but his voice will continue to be heard, as it has been for many years, over the public address system of Auburn University football and basketball games.

I join with all Alabama in wishing Carl, his wife Mary, and all his family the very best in the years ahead.

AMBASSADOR ROBERT E. HUNTER ON NATO ENLARGEMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LANTOS. Mr. Speaker, last week the Senate began the debate on the admission of Poland, Hungary and the Czech Republic to the North Atlantic Alliance. One of the key players in the process of admitting these three newly democratic states of Central Europe to NATO was Robert E. Hunter, who served for most of the past five years as the United States Ambassador to NATO in Brussels. Ambassador Hunter was a highly articulate and extremely effective representative of our government in this critical post at that critical time, and we owe him a debt of gratitude for his constructive and productive efforts.

As the Senate debate began last week, Mr. Speaker, two opinion pieces which were published in The Washington Post—one by David Broder and the other by Jim Hoagland—questioned the extent to which the enlargement of NATO has been thoroughly discussed and evaluated prior to the Senate vote on this critical issue. I strongly disagree with the point of view that these two experienced journalists have expressed on this matter. While I could express the reasons for my disagreement with their positions at some length, Ambassador Hunter has done a much more effective and concise job than I could do in responding to the issues raised in the two Post articles.

Mr. Speaker, I ask that Ambassador Hunter's excellent response, published in The Washington Post on Monday, March 23, be placed in the RECORD. I urge my colleagues to read his thoughtful article.

[From the Washington Post, Mar. 23, 1998]

THIS WAY TO A SAFER EUROPE

(By Robert E. Hunter)

David Broder and Jim Hoagland [op-ed, March 18 and 19] see a rush to judgment in the impending U.S. Senate vote to admit Poland, Hungary and the Czech Republic to NATO. They are right that full debate is critical to create the potilical underpinning for the most important U.S. commitment abroad in a generation. They are wrong that the Senate is acting "in haste" (Hoagland) or "outside the hearing of the American people" (Broder). Rarely has any major foreign policy have been developed over such a long period, displayed so fully before the public and considered so comprehensively with so many members of Congress.

The commitment to enlarge NATO was made by all 16 allies at the January 1994 NATO summit in Brussels, fully 50 months before today's Senate deliberations on whether to ratify the accession of the first new members. In the intervening period, every aspect of the issue has been ventilated in the media and with our elected leaders. As ambassador to NATO, I welcomed to its Brussels headquarters a stream of congressional visitors and immersed them in discussion with the allies, the Central Europeans and the Russians. During the past several months, Congress has held a score of hearings and been bombarded by arguments by all sides. Doubts may remain about NATO enlargement, but adequate information and debate are not the problem.

Hoagland argues that the administration is engaging in "strategic promiscuity and impulse" and "has not taken seriously its responsibility to think through the consequences of its NATO initiative." Not so. During the past 50 months, the United States—indeed, all the allies—carefully and thoughtfully has sought to take advantage of the first opportunity in European history to craft a security system in which all countries can gain and, potentially, none will lose. After a century of three wars, hundreds of millions killed and a nuclear confrontation, no other test can suffice.

Thus the 16 allies understand that security cannot just be based on accepting Russia's viewpoint, which includes leaving Central Europe in limbo (the practical result of the views Broder reports); nor can it be based on rushing all of Central Europe, unprepared, into a Western alliance which freezing Russia out and thus eroding allied strength and cohesion. Hard as it is to achieve, the perspectives of both Russia and the Central Europeans must be accounted for. They and the current allies must all end up more secure, and the alliance must be as strong and robust in the future as it is now.

This is an agenda of unprecedented scope, but one NATO allies set out to achieve four years ago. This is why enlargement is only one part of the "new NATO" and the overall, root-and-branch reform of European security to meet the realities of the 21st century. The integrated grand strategy devised by the alliance includes renovating the NATO command structure, creating new combined joint task forces (and validating the principles in Bosnia) and making it possible for the Europeans to take more responsibility through a Western European union able for the first time to take military action.

This strategy also explains why NATO created the Partnership for Peace, which is both a program for NATO aspirants to meet the military demands of membership—a valid matter for Senate scrutiny—and a means for those who do not join to have practical engagement with the alliance instead of feeling considered to a security gray area. It is why NATO created a special partnership with Ukraine, whose independence is a critical test of any European security arrangements. It is why the alliance undertook responsibility for preserving peace in Bosnia, and why the United States has pressed the European Union to expand its membership.

And this grand strategy is why the allies negotiated the NATO-Russia Founding Act. No one coerced President Boris Yeltsin into signing it, nor dragooned the Russions into the practical cooperation now taking place at NATO headquarters, nor drafted the 1,500 Russian soldiers who serve with the Stabilization Force in Bosnia, within an American division under NATO command. And remarkably, while NATO's actions in Central Europe can resolve Russia's historic preoccupation with stability on its western frontier, the alliance's effort to forge a strategic partnership with Moscow has elicited not one charge of a "new Yalta" from Central Europe.

Thus, despite Hoagland's assertion, NATO allies do have a clear sense of "strategic mission." If the NATO plan can secure the full backing of the Senate and thus of American power and purpose, it offers hope for a lasting security that Europe and its peoples have never known.

STATEMENTS BY SECRETARIES ALBRIGHT AND COHEN, AND BY CHAIRMAN SHELTON OF THE JOINT CHIEFS OF STAFF, ON U.S. POLICY IN BOSNIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. HAMILTON. Mr. Speaker, in connection with last week's debate on House Concurrent Resolution 227, Secretary of State Albright and Secretary of Defense Cohen sent a letter in opposition to that resolution. I believe that their letter, and the letter I received from General Shelton, Chairman of the Joint Chiefs of Staff, detail the importance of the NATO mission in Bosnia, and detail the very harmful consequences for the United States and for

peace in Bosnia if U.S. troops were to be pulled out at this time.

The text of their letters follow:

HONORABLE RICHARD GEPHARDT,
Minority Leader, House of Representatives.

DEAR MR. GEPHARDT: We are informing you of our strong opposition to H. Con. Res. 227, as amended, directing the withdrawal of United States forces in Bosnia. The House will consider this matter on March 18.

We oppose this concurrent resolution for both policy and legal reasons. As a policy matter, this resolution would fundamentally undermine our efforts in Bosnia. It would encourage those who oppose Dayton and would send the wrong signal to Serbia about U.S. resolve at exactly the time that concerns about destabilization in Kosovo are mounting. It would totally undercut our ability to implement the Dayton Accords and thereby dramatically lessen regional stability.

The President's decision that the United States should participate in a NATO-led multinational force in Bosnia after SFOR's current mandate expires has already begun to affect the calculations of even the most hardened Bosnian opponents of the peace accords. If we disengage militarily from Bosnia now, the momentum we have built will stop. The result could be a return to war.

As a legal matter, the resolution is based on a part of the War Powers Resolution—section 5(c)—that is unconstitutional. We recognize that there have long been differences of opinion about the constitutionality and wisdom of the 60-day withdrawal provisions of section 5(b) of the War Powers Resolution. But there has been widespread agreement that section 5(c) is inconsistent with the Supreme Court's 1983 decision in *Chadha v. INS.* Under *Chadha,* Congress cannot create a legal requirement binding on the Executive branch through a concurrent resolution, but may only act through a resolution passed by both Houses and submitted to the President for signature or veto.

We also note that, even if section 5(c) were constitutional, it would not apply here because by its own terms it applies only to situations where U.S. forces are "engaged in hostilities". In fact, U.S. forces in Bosnia are performing peacekeeping functions and are not engaged in hostilities. The Dayton Peace Accords, which ended the previous armed conflict in the former Yugoslavia, were initialed on November 21, 1995—before the deployment of IFOR or SFOR. From that point to the present, there have been only sporadic criminal acts against U.S. forces which do not constitute "hostilities" for the purpose of the War Powers Resolution, and there have been no U.S. fatalities from these acts. Our presence in Bosnia is with the consent of the relevant parties under the Dayton Accords.

Finally, one stated purpose of the proposed resolution is to provide a basis for a federal court suit to address the constitutionality of various aspects of the War Powers Resolution. In the past, federal district courts have declined to accept such suits on a variety of legal grounds, including standing, ripeness, political question, and equitable discretion. Whatever the district court's response might be in this case, such a proceeding—and the appeals that might follow—would create a prolonged period of considerable uncertainty about U.S. intentions with respect to Bosnia that would have a serious harmful effect on the stability of the situation in that country during a critical time.

For all these reasons we urge you and other Members of Congress to oppose this concurrent resolution and thereby avoid putting in jeopardy the important work of stabilizing the troubled Balkan region.

Sincerely,

MADELEINE K. ALBRIGHT,
Secretary of State
WILLIAM S. COHEN,
Secretary of Defense.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, March 18, 1998.

Hon. LEE H. HAMILTON,
Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: Thank you for your letter of 18 March and the opportunity to express my thoughts on the importance of our mission in Bosnia.

Pulling US forces out of Bosnia would cripple the mission at a critical time when we are achieving success in that troubled country. A US withdrawal would send the wrong signals to our NATO allies and the wrong signals to those who wish our efforts ill. Beyond that, US leadership within the Alliance would suffer a severe blow.

Europe's stability and America's security are joined. There is no more volatile region in Europe than the Balkans. Failure to see our mission in Bosnia through to full implementation of the Dayton Accords would send a harmful message to states throughout the Balkans—a message that the United States lacks resolve.

Our troops know they have made a difference in Bosnia. Their presence, together with that of our NATO allies and other partners in this effort, stopped the killing and ethnic cleansing. They see the signs of progress in Bosnia every day.

We have a strategy for success in Bosnia. A US military presence coupled with US leadership are essential to the achievement of a self-sustaining peace in that country.

Sincerely,

HENRY H. SHELTON,
Chairman,
of the Joint Chiefs of Staff.

IN HONOR OF DANIEL G. SAJNER ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Daniel Sajner of Strongsville, Ohio, who will be honored on March 22, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving, first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Daniel for his achievement.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KIND. Mr. Speaker, the New York Times continues to clearly spell out the problem facing those of us who support campaign finance reform. In an editorial in yesterday's paper the Times described the campaign finance reform bill which will be considered this week as ". . . sham legislation dressed up to look like reform, with no chance for members to vote on the real thing."

Mr. Speaker, the hard work of many members of this House is being destroyed by the highly partisan legislation being offered by the majority. The bill being considered contains poison pills designed to insure the failure of campaign reform. There are better alternatives. If the majority would allow an open rule on the floor these alternatives could be considered. Failure to allow a free, open debate on campaign finance reform would be a terrible disservice to the public and to our democratic process.

I open over the next several days the leadership of the House will reconsider their decision and allow an open rule on campaign finance reform. We need real campaign finance reform. The people of my district will not accept "no" for an answer.

IN RECOGNITION OF MONIQUE WRIGHT, TRACEY A. ROBERTS AND THE DAYTON METROPOLITAN HOUSING AUTHORITY MARCH 19, 1998

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. HALL of Ohio. Mr. Speaker, I am pleased to recognize and honor the work of the Dayton Metropolitan Housing Authority (DMHA) for its successful efforts and dedication to improving the quality of life for people in the Dayton area. The programs provided by DMHA are helping people move away from dependency to self-sufficiency. The success of these programs is highlighted by the uplifting stories of two remarkable women who reside in my district.

Ms. Monique Wright has always been determined to improve her life and provide a good future for her children. As a single mother, Monique received public assistance while she attended school full-time at Central State University in Ohio. After the birth of her second

child, it became very difficult to give her children the nurture and care they needed and attend school at the same time. Moniques' priority was her children.

Because of her devotion as a mother, Monique pro-actively sought ways to provide for her two children. She worked at various jobs. But as we in Congress know all too well, jobs for the working poor often do not provide enough even for a family to eat. Monique was just making it from day to day. She wanted more for herself and more for her two precious children. That is why she enrolled in DMHA's Job Shadowing Program which provides job training, mentoring, and employment to its participants. Through her initiative, and with the assistance of DMHA, Monique received the training she needed to move her in the right direction.

Today, Monique is a full-time employee of DMHA. She is giving back to the community by helping others who are in need. By taking advantage of DMHA programs, Monique has also moved her family into a better housing situation. In addition, Monique has gone back to school to earn an Associate Degree in Liberal Arts with a concentration in Social Work.

Ms. Tracey A. Roberts is another wonderful woman who took advantage of these opportunities. As a single mother with two children, Tracey moved to Dayton in search of better job opportunities to improve the lives of her children. Tracey participated in DMHA's Family Self-Sufficiency Program. This program provides people with the tools necessary to move themselves away from dependency on the government and enables them to be self-sufficient. Case managers work with participants to develop a comprehensive plan for change.

Tracey enrolled in the program with the belief that a combination of hard-work, training, and motivation would help her take control of her own life. That is exactly what she did. Two years after enrolling in the Family Self-Sufficiency Program, Tracey now holds a rewarding job and has moved her family into a new home which she owns.

The programs of the Dayton Metropolitan Housing Authority work. They provide people with opportunities for self improvement.

Like Monique and Tracey, Americans who struggle with poverty want to lead more rewarding lives. They want to provide a brighter future for their families and they are willing to work to achieve it. With the help of organizations like the Dayton Metropolitan Housing Authority, many more people like Monique and Tracey will have the opportunity to improve their own lives.

It is with much pride that I recognize and commend Monique Wright and Tracey A. Roberts along with the Dayton Metropolitan Housing Authority for their outstanding achievements.

SCHOOLS NEED A HELPING HAND

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. FROST. Mr. Speaker, parents throughout Arlington, Texas, which is in my congressional district, received a scare earlier this month when school inspectors revealed that the floor was near collapse in the north wing of Arlington High School. The school, which was constructed in 1955, had to have classes and students rerouted because of the potential danger.

The floor damage was noticed by school inspectors who were preparing for a summer renovation of the building. Recognizing the accelerated rate however, at which the floor was deteriorating, the inspectors recommended closing the north wing and beginning emergency repairs immediately.

This incident highlighted what has become a national problem, Mr. Speaker, the deterioration of our nation's schools. Many of our nation's public elementary and secondary schools are in substandard condition and need many repairs due to leaking roofs, plumbing problems, inadequate heating systems or other structural failures.

The General Accounting Office (GAO), on behalf of several Members, recently performed a comprehensive survey of the nation's elementary and secondary school facilities, and found severe levels of disrepair in all areas of the country. The GAO contacted 10,000 of the nation's 80,000 public schools, and conducted site visits to schools around the country. According to the GAO's report, of the over 6,000 elementary and secondary schools in Texas, 76% percent of them reported a need for necessary upgrades or repairs.

Currently, more than 14 million children attend schools in need of extensive repair or replacement, and nearly one-third of our public schools were built prior to the beginning of World War II in 1939. If we want to prepare our children to succeed in an economy where technical skills are increasingly important, we need modern schools, meaning everything from updated science laboratories to computers in classrooms.

That same GAO report found that nearly 60 percent of all schools have at least one major building feature in disrepair, such as leaky roofs or crumbling walls. These schools are distributed throughout our communities, with 38 percent of urban schools, 30 percent of rural schools and 29 percent of suburban schools needing repairs.

More than half of the schools reported deteriorating environmental conditions, such as poor ventilation, hearing or lighting problems, as well as poor physical security. And 46% of our schools lack even the basic electrical wiring necessary to support computers, modems and other modern communications technology.

As well, the American Society of Civil Engineers (ASCE), in their 1998 Report Card for America's Infrastructure, gave America's schools an F, based on the urgent need for repairs. Schools were the only infrastructure category to receive a failing grade. ASCE has determined that it will cost about $12 billion to repair, renovate and modernize our schools.

Of this amount, approximately $5 billion is needed to fix or remove hazardous substances such as asbestos, lead and radon. Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade. Total annual construction and renovation spending since 1991 has remained between $10 and $12 billion for K–12 schools.

In order to address this serious problem, the President has proposed, and I support, a bill to establish and expand tax incentives to help states and local school districts address the need for school modernization. This bill would help states and local schools districts pay for the cost of modernizing and building more than 5,000 schools by creating new School Modernization Bonds.

Under the bill, these zero-interest bonds would be available for the construction and renovation of pubic school facilities. The Department of the Treasury would allocate the rights to offer these special 15-year bonds to States that have submitted school construction plans to the Secretary of Education. The federal government would subsidize a total of $9.7 billion per year of these bonds in the years 1999 and 2000. Texas would receive $1.6 billion of this new bond authority.

The federal government would pay the interest on the School Modernization Bonds through an annual tax credit to the holder. These credits are allocated to the states, which will determine how to divide the credits. The bonds can be issued by any state or local government, but they are still required to pay the principal.

Mr. Speaker, forty-two national groups, including the National Parent Teacher Association and the National School Boards Association support this bill, and support repairing our nation's schools. The students at Arlington High School will have their school repaired this summer thanks to the community. Congress, by passing a school modernization bill, can ensure that all of our neighborhood schools are given that same helping hand.

TRIBUTE TO JUDGE TOM PETERSEN ON HIS RETIREMENT FROM THE BENCH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami-Dade's unsung heroes, Judge Tom Petersen. His retirement on Friday, March 27, 1998 from the Dade Circuit Court will leave a deep void in that bench.

Judge Petersen represented the best of our community. Having dedicated a major portion of his life to making the juvenile justice system work on behalf of our wayward youth, he was relentless in his development of many innovative programs that helped turn them around. His was a crusade that maximized understanding and compassion for many adolescents under the tutelage of the juvenile court system. His motto, "Hug a kid: that's where it starts" was one that bordered on a thorough understanding of many a youth's need to be understood and guided through their growing years.

He was virtually the lone voice in the wilderness in exposing his righteous indignation over many irrelevant programs that siphoned off funds from the public till instead of succinctly eradicating the symptoms of juvenile delinquency. At the same time, he has been

forthright and forceful in advocating the tenets of equal treatment under the law for those juveniles who have been remanded to the juvenile court system. His sensitivity toward them knew no bounds, and he was untiring in seeking the appropriate guidance and counseling strategies for them so that they could pull themselves out of the gutter of juvenile delinquency. In a 1993 Miami Herald editorial, Judge Petersen was cited for his firm belief that ". . . the state's approach toward juvenile delinquency is antiquated." A little TLC, he said, and they'd stop stealing hub caps and start doing their algebra homework.

In his stint on the Dade Circuit bench, Judge Petersen truly represented an exemplary public servant who abided by the dictum that those who have less in life through no fault of their own should somehow be lifted by those who have been blessed with life's great amenities. As a gadfly on the Circuit Court, he was wont to prod both elected and appointed officials in redirecting many government-funded programs to focus their resources on reducing juvenile delinquency, and thereby provide youthful offenders with the tools to create a more meaningful life.

As one of those hardy spirits who chose to reach out to the at-risk youth living in public housing projects, Judge Petersen thoroughly understood the accouterments of power and leadership. He sagely exercised them alongside the mandate of his conviction and the wisdom of his knowledge, focusing his energies to enhance the well-being of our community he learned to love and care for so deeply.

His undaunted efforts in the juvenile court system shaped and formed the agenda of many community organizations. His word is his bond of honor to those who dealt with him, not only in moments of triumphal exuberance in helping many a wayward youth turn the corners around, but also in his resilient quest to transform Miami-Dade county into a veritable mosaic of vibrant cultures and diverse peoples converging together into the great experiment that is America.

For this he was awarded the much-coveted Miami Herald's Spirit of Excellence in 1988. Numerous accolades with which various organizations have honored him symbolize the unequivocal testimony of the utmost respect and admiration he enjoys from our community.

Judge Tom Petersen truly exemplified a one-of-a-kind leadership whose courage and wisdom appealed to our noblest character. It is his compassionate and resilient spirit that genuinely dignifies the role of a public servant. For this he will sorely be missed! I truly salute him on behalf of a grateful community.

TRIBUTE TO CARL STEPHENS—ALABAMA BROADCAST LEGEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVERETT. Mr. Speaker, I have been informed that one of Alabama broadcasting's best loved personalities will soon retire after 40 years behind the microphone and television camera.

A native Alabamian, Carl Stephens was practically born into his profession. A radio sportscaster at the age of ten in his native Gadsden and student manager of the college radio station while at the University of Alabama, Carl Stephens began his television career at the Alabama Educational Television Network before settling in as one of the states' best-known on-camera personalities at WSFA TV in Montgomery.

At WSFA, Carl Stephens forged a 38-year career witnessing and reporting some of Alabama's and the nation's most historic events during the 1960s. Despite his contribution to news reporting in Alabama, it is noteworthy that Carl is best known by many Alabamians for his other roles. As host of a popular children's cartoon show in the late 1950's and co-anchor of the Auburn Football Review for many years, Carl's charm and warm personality was best shown through the television screen, earning him wide respect and many loyal fans.

Carl will begin his well-deserved retirement effective this Thursday, but his voice will continue to be heard, as it has for many years, over the public address systems of Auburn University football and basketball games.

I join with all Alabama in wishing Carl, his wife Mary, and all his family the very best in the years ahead.

HONORING CANTOR IRVING DEAN FOR 38 YEARS OF SERVICE TO UNITED ORTHODOX SYNAGOGUES OF HOUSTON

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Cantor Irving Dean for his 38 years of continuous service to the synagogue and community. On March 29, 1998, the community will gather in the Grand Ballroom of the Westin Galleria Hotel to pay well-deserved tribute to Cantor Dean.

Cantor Irving Dean's musical talent was recognized as a child. He received his first instruction in Hazzanic art while singing in choirs with renowned cantors. He began his career in New York, appearing on radio, television, and concerts. He also appeared on "The Heritage of Israel," a special NBC television program. He has recorded "Shiru B'Simcha," a popular tape of holiday and Israeli songs for children. The proceeds from the sale of this recording benefit the United Orthodox Synagogue Montessori School. He also recently recorded a CD, "Musical Memories," of favorite concert music.

Aptly named, Cantor Dean is praised as the cantorial dean of Houston. In this capacity, he is well-trained, having earned secular and music degrees at Yeshiva and Columbia Universities. Since his first Cantorial Concert in 1960, Cantor Dean has enriched the Houston Jewish community with his music.

Cantor Dean has organized and trained the choir that sings with him during the High Holiday services and he appears with them on special programs. Cantor Dean has also presented concerts throughout the Southwest, New York, and Mexico City. He has sung at military bases, interfaith events, and for many Jewish organizations. In Houston, he conducted a citywide choir at a special rally for Soviet Jewry.

Before coming to Houston, Cantor Dean; his wife, Millie; and their children, Ronnie, Sherrie, and Debbie, lived in San Antonio, where the Cantor served Congregation Rodeif Shalom. During their 10 years in the Alamo City, the Dean family reached out to Jewish members of the military bases in the area, hosting them in their home and providing them with entertainment as well. For their work with the soldiers and the Jewish community, Cantor and Millie Dean were given special recognition by the National Jewish Welfare Board.

Cantor Dean has received numerous awards for his work. Among them are the ZOA Award for Distinguished Service to Southwest Jewry and the Bureau of Jewish Education of the Jewish Federation of Greater Houston award for 42 years of dedicated service to Jewish teaching and promoting Jewish learning among children and youth. He was also honored by the Jewish Theological Seminary as an Honorary Fellow of the Cantor's Institute, the highest award for musical achievement given by the Seminary.

A cantor is an emissary of the community, giving voice to those seeking connection with God and providing leadership and guidance through song. Cantor Dean, with his mellifluous voice, has led and continues to lead the congregants of United Orthodox Synagogues in prayer.

Mr. Speaker, I congratulate Cantor Dean for 38 years of service to the United Orthodox Synagogues family. I wish him continued success in providing vital leadership and spiritual guidance to his congregants and the Jewish community.

PRESIDENT LEE TENG-HUI LEADS TAIWAN THROUGH FINANCIAL STORM

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. SMITH of Oregon. Mr. Speaker, Much has been written and reported about the Asian financial crisis, the worst in decades. But Taiwan, so far, has remained relatively unscathed. Its economy has been jolted but not sunk.

Taiwan's financial stability is attributable to its careful banking practices, ceilings on foreign equity investment and high foreign reserves. With a healthy financial system, Taiwan is more immune to the monetary crisis affecting the region.

The Taiwan economic miracle has time and again demonstrated its resilience and dynamism during the past year of regional and global slowdown. Taiwan's economic growth rate in 1997 reached 6.72 percent, the highest in five years. Foreign currency reserves stand at US$86 billion, an indication that Taiwan's traders and manufacturers have maintained their competitive edge amid growing competition from their Asian neighbors.

Taiwan's economic vitality is seen in its debt-free status. Its total foreign debt amounts to less than US$100 million, whereas its Asian neighbors such as Korea and Indonesia are reeling from foreign debts.

Taiwan's latest financial strength has prompted the financial Times of London and the Asian Wall Street Journal to hail it as the "Switzerland of the Orient." Most economists believe that Taiwan has the full potential to become a full-fledged developed country by the turn of the century.

Taiwan's economic dynamics has been unquestionably helped by its growth of democracy. Last November, Taiwan held successful elections for county chiefs and city mayors. In fact, opposition party candidates won a majority of the seats, marking a new milestone in the development of party politics and popular political participation in Taiwan.

As the year of the Tiger on the Chinese lunar calender begins, I wish Taiwan well in maintaining its economic prosperity, in initiating further dialogue with the Chinese mainland on the issue of reunification, in strengthening its strong ties to the United States and in gaining more and better friends internationally.

Last but not least, I wish to send my greetings to Taiwan's Foreign Minister Jason Hu, who was the former Taiwan representative in Washington. Minister Hu was a very able diplomat in Washington. My colleagues and I benefitted greatly from his insight on world affairs. Madam Jason Hu was a charming hostess. In the meantime, my colleagues and I are looking forward to working closely with Jason Hu's successor, Ambassador Stephen Chen. Ambassador Chen was a former deputy secretary-general to President Lee Teng-hui of the Republic of China and has been in government service all his adult life.

WOMEN'S HISTORY MONTH

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TIERNEY. Mr. Speaker, the great suffragist Susan B. Anthony once said, "Failure is impossible." The confidence and inspiration of her words are as powerful today as they were almost a hundred years ago. Women have played integral roles in American history, from the fledgling days of a new republic, to today's shattering of glass ceilings in corporate management. They are mothers, teachers, elected officials, athletes and entrepreneurs. Today's young girls will experience less discrimination and have fewer limits imposed on them than their grandmothers.

As we celebrate this month the many accomplishments of women in American history, I would like to call to the attention of my colleagues a few women whose accomplishments and dedication offer strength and inspiration to many individuals.

Edith Nourse Rogers from Bedford, MA, was first elected to Congress in 1925 to fill the office vacated by the death of her husband. A former World War I Red Cross volunteer, Mrs. Rogers earned the title of Angel of Walter Reed Hospital. During her 18 terms as a Member, she fought unabashedly for veterans rights, serving as an inspector of veterans' hospitals as well as a mentor to many of the young soldiers interned there. One of her first major bills appropriated $15 million to build additional veterans hospitals. She was a leading sponsor of the GI Bill of Rights of 1944 and helped create a volunteer women's Army Corps.

Judith Sargent Stevens Murray of Gloucester closely followed the works of Abigail Adams and questioned why women were not granted the same rights and freedoms that men touted. Using the pseudonym Constantia, she began writing on the status of women, and published an essay "On the Equality of Sexes" in the Massachusetts Magazine. In her essay, Murray questioned the differences in education for boys and girls, asking "How is the one exalted and the other depressed * * * the one is taught to aspire, and the other is early confined and limited." Her powerful voice helped spur the fight for equal educational opportunities for young girls.

Anne Bradstreet of Ipswich and Swampscott, was New England's first woman poet. While keeping house at the edge of the wilderness for her husband and eight children, she wrote poetry despite criticism that she was not devoting enough time to "domestic responsibilities." To that, she replied, "I am obnoxious to each carping tongue who says my hand a better needle fits."

Finally, Louise du Pont Crowninshield of Salem, was a great and knowledgeable collector of antiques and a tireless advocate of historical preservation. Crowninshield's energy and dedication to charity work and historic preservation benefitted and continues to serve the National Trust for Historic Preservation and the Peabody-Essex Museum in my hometown of Salem, Massachusetts.

Mr. Speaker, America would not have flourished were it not for the tireless work of women. They have been, and continue to be, essential to building a country where all citizens, male and female, are free to live to their fullest potential.

THE PROHIBITION AGAINST ALCOHOL TRAFFIC TO MINORS ACT PAAT ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, today I am introducing legislation to help save our Nation's children: The Prohibition Against Alcohol Traffic to Minors Act. The PAAT Act curbs the problem of underage drinking by prohibiting the "direct shipment" of alcoholic beverages to persons not meeting a State's legal drinking age.

The bill amends Title 18, United States Code by inserting a new section after 1865 that prohibits shippers, their employees, common carriers or agents of common carriers or delivery companies from delivering a package containing an alcoholic beverage or compound, fit for consumption, to any person not meeting the minimum drinking age within a state.

On Friday, December 12, 1997, a local NBC affiliate aired in which an underage youth ordered and received shipment of alcoholic beverages. The youth in question lived in New York, purchased the alcohol via the internet from a retailer in California, paid for the order with a credit card, and accepted delivery of the alcohol from a commercial air-freight carrier. This same story is also the subject of an undercover operation being conducted by the Attorney General of the State of New York. While this particular incident was documented by television cameras, there are numerous others that are not.

According to the Center for Disease Control, 80.4% percent of the nation's high school students have had at least one drink of alcohol during their lifetime; 51.6% have had at least one drink in a 30 day period; and 32.6% qualify as "episodic heavy drinkers" having had five or more drinks on at least one occasion during a 30 day period.

Sixty-nine percent of Americans polled oppose the direct shipment of alcohol to minors; 85% agree that the sale of alcoholic beverages over the Internet would give minors easier access to alcohol and could result in more abuse; and 70% of those polled don't trust delivery drivers to ensure that the recipient of alcoholic beverages via common carriers is at least 21 years of age.

Direct shippers operate outside of the licensed distribution system. The licensed beverage distribution system is an essential and legal of the alcohol control process and contributes billions in federal and state taxes each year. Direct shipments circumvent these laws and robs states of tax revenues. Florida, Tennessee, Kentucky, Georgia and North Carolina have recently upgraded their laws to make "direct shipment" a felony. At least 26 other states have sent "cease and desist" letters to wineries or retailers urging them to stop illegal shipments.

Every state has set 21 as the minimum drinking age. The passage of "21" laws by states stopped underage drinkers from driving to another state to purchase alcohol. However, Internet and toll-free direct shipment creates a new technological way for underage drinkers to have alcohol shipped directly to the home.

With "shipments" there is no regulatory system to guard against underage access and to collect alcohol beverage taxes. What started many years ago as a cottage industry to sell rare wines and micro brewed beer to connoisseurs has burgeoned into a billion dollar a year business.

According to the Center for Disease Control, 80.4% percent of the nation's high school students have had at least one drink of alcohol during their lifetime; 51.6% have had at least one drink in a 30 day period; and 32.6% qualify as "episodic heavy drinkers" having had five or more drinks on at least one occasion during a 30 day period. This behavior is dangerous, life threatening and must be stopped. I ask that my colleagues support our nation's children and pass this important legislation.

SUMMARY OF THE PROHIBITION AGAINST ALCOHOL TRAFFIC TO MINORS ACT (PAAT ACT)

The PAAT Act curbs the problem of underage drinking by prohibiting the "direct shipment" of alcohol beverages to persons not meeting a State's legal drinking age.

The bill amends Title 18, United States Code by inserting a new section (1866) after 1865 that prohibits shippers, their employees, common carriers or agents of common carriers, delivery companies, or business entities that deliver goods from delivering a package containing an alcoholic beverage or compound, fit for consumption, to any person not meeting the minimum drinking age within a state.

THE FRENCH BROAD RIVER DOESN'T NEED NEW BUREAUCRACY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, I commend to your attention this article written by Will Haynie for the Asheville Citizen-Times—a newspaper in North Carolina's 11th Congressional District. It provides a persuasive argument against the American Heritage Rivers Initiative as proposed by President Clinton.

[From the Asheville Citizens-Times, March 22, 1998]

OLD MAN RIVER DOESN'T NEED THE FEDS

(By Will Haynie)

The song says that Old Man River, he just keeps rolling along. In today's political environment permeated by hype and hysteria, some say that may be easy for an old man, but a French Broad needs federal help.

After the American Heritage Rivers Initiative was announced, the result was a knee-jerk reaction to jump on the federal bandwagon to do something nice for rivers. Not for all of America's rivers, but just for the ten whose communities jump through the federal hoops required for a chance to be personally picked by the president. And with this president, how could ours lose with a name like French-Broad?

The American Heritage Rivers initiative was announced by President Clinton in his State of the Union Address in February 1997. This is an executive branch program, the details of which I viewed at the web site maintained by the federal Environmental Protection Agency (the address is http://www.epa.gov/rivers).

The efforts to nominate the French Broad for American Heritage River status sparked a healthy local debate over the role of the federal government and its control over our lives and property. This debate combines the best lessons from history and social studies along with some environmental science topics thrown into the mix.

With such a precious natural resource as the focal point, it's tempting for even the most conservative of us to respond by supporting what looks at face value to be a good intention.

But one thing I learned spending a lot of my youth around water is to look before you leap. Sometimes smooth surfaces hide harmful obstacles.

One obstacle in this initiative is that it comes straight from the executive branch of the federal government and involves the allocation of the funds and assets. When our constitution was framed, the representative branch was given such powers.

One of the initiative's stated goals is to "protect the health of our communities by delivering federal resources more effectively and efficiently."

Two of the most famous lies in the world are "the check's in the mail" and "we're from the federal government and we're here to help you." Add another one to that list: "we will deliver federal resources more effectively and efficiently." Sure, like the speed of the Post Office, the thriftiness of the Pentagon, and the courtesy of the IRS.

Is this to say that paying our federal taxes and acting in a law-abiding manner are not enough reasons to get effective, efficient service from federal agencies? Do we now have to petition the feds and hope for special designations just to get what we are owed?

The third stated requirement for communities whose rivers receive the designation is "the willingness . . . to enter into new, or to continue and expand existing partnership agreements."

The EPA also states "designated rivers and their communities will also receive a commitment from federal agencies to act as 'Good Neighbors' in making decisions that affect communities." That statement raises another question: where does that leave communities who either don't seek or seek but don't achieve American Heritage status? They better not count on the feds to be their good neighbors. They didn't buy an indulgence.

Proponents of The American Heritage Rivers Initiative swear it is not a federal land and power grab. Yet the initiative lists ten contact agencies involved with the program, and the only state agency listed is the North Carolina Historical Preservation Office.

The biggest mystery in this initiative is the statement that federal agencies will support local communities "within existing laws and regulations." Really?

Then, why must we approach the federal government by pleading and petitioning and promising to play by their rules so we can get protection for our river?

Nobody wants the French Broad River to be an open sewer. But running to the executive branch so all the king's horses and all the king's men can put it back together again is not the only solution, and it certainly isn't the best solution. Our congressman is called a representative because that's what he does for us in Washington.

Rep. Charles Taylor has presented a viable plan for the French Broad that will use existing channels to make all applicable agencies do their jobs for us without having to be petitioned to do so. The river is not yet in perfect condition, but it's a lot cleaner than it was fifty or even twenty-five years ago. We're making too much progress to call in the feds, even if they are "here to help us."

HONORING RUTH PUGH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay special tribute to Ruth Pugh—a modern day Florence Nightengale whose contribution to the nursing profession has spanned approximately 40 years.

Born in Jamaica, West Indies, Ruth was trained in Plaistow Hospital London, England, and graduated as an RN in 1961. Her interest in the study of midwifery resulted in her commencing specialized training in this field in 1962, later to be complemented by an interest and experience in the disciplines of medicine and surgery. Knowing the significance of the mind-body connection as it pertains to patient care, Ruth went on to attain a Bachelor's degree in Psychology/Sociology from Marymount College, Manhattan, New York.

A Master's degree from Long Island University soon rounded out the academic picture and manifested the striving for excellence that has always been the hallmark of her professional life. Later, a nursing administration certification in 1986 served as a preamble to her distinguished career as the Associate Director of Nursing, Department of Medicine, Jacobi Medical Center, where she was aided by her loyal associate Juanita Duncan and many friends and colleagues.

Mr. Speaker, although Ruth's academic credentials are comprehensive and impressive, they fail to show the most abiding dimension of who she is as a woman and a person—her strong sense of compassion. I, personally, know that Ruth Pugh's supervision and care of a beloved family member resulted in her being affectionately called "Commander Pugh." For that is indeed who she is—a leader of people, a person who pays attention to detail, and one who inspires a sense of teamwork among the healthcare professionals with whom she serves. She can, at times, be strong and firm in ensuring that the highest quality of health care is given and then, at a moment's notice, upon seeing a distraught family member, rush to console them with prayer and kind words. This combination of qualities is unbeatable.

Mr. Speaker, those for whom she has been a steadfast source of help and support recognize this quality in her. They know that she can set a goal and, no matter how insurmountable the obstacles, achieve those goals. Such was the case when in the history of her hospital budget and financial constraints necessitated the elimination of several nursing positions. It was Ruth Pugh, who saw to it that when qualified nursing staff was so desperately needed those staff positions were reinstated. This was no small task in a time of limited resources and fiscal pressures.

Ruth Pugh is a human dynamo, a gracious human being, an accomplished professional, and a hallmark of those characteristics that define the consummate nurse—caring for others while simultaneously caring for her husband Sidney and three children. She is someone not easily forgotten, and through her care and the meaningful way she has touched people's lives, someone whose influence will endure forever.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. LEWIS of Kentucky. Mr. Speaker, on March 19, 1998, I was unavoidably detained

and therefore missed roll call vote #62. Had I been present I would have voted "no."

REAL ESTATE INVESTMENT TRUST TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

I. INTRODUCTION

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Real Estate Investment Trust Tax Equity Act. This legislation is an important measure which levels the playing field among investors and businesses competing in similar real estate markets. It addresses an inequity first recognized by Congress in 1984. Unfortunately, the legislative change that occurred in the Deficit Reduction Act of 1984 made important modifications that were too open-ended. As a result, certain players in the REIT market have taken advantage of a loophole which potentially shifts the markets in their favor. Specifically, paired-share REITS were provided a shotgun tax benefit in the 1984 legislation which has created a meaningful imbalance in certain industries. My legislation seeks to install equity, true to the intent of the 1984 changes.

II. BACKGROUND

A. WHAT IS A REAL ESTATE INVESTMENT TRUST (REIT)?

A REIT is organized as a corporation, business trust or similar association which allows many investors to pool capital in order to acquire or provide financing for real estate.

REITs were first created in 1960 in order to give small investors access to the commercial real estate investment market. Previously this market had been monopolized by large capital investors, and this new structure afforded a wider group of investors to share in the profit opportunities.

A REIT is not required to pay a corporate level of tax, but must pass 95% of its taxable income through to its investors. Additionally, 95% of a REIT's income must come from passive sources, such as lease payments or interest on mortgage debt, etc. Also, 75% of a REIT's income must come from real estate. A REIT may not receive a significant portion of income from operating its real estate.

Over the years, there have been several legislative efforts to modify the REIT structure. While REITS have been generally prohibited from self-managing properties that they hold in trust, changes to the code were made in 1986 which allowed REITS that own specific types of real estate to provide customary services to their tenants. However, under current law, REITS are still restricted from operating real estate that requires a high level of operation management services (usually associated with such entities as hotels, casinos or similar properties). REITs that operate in these markets must lease the property to a third party, usually structured as a C corporation, which is tasked with providing the operation and direct management of the restricted real estate held by the REIT.

The REIT market has seen considerable recent growth. According to the National Association of REITs, five years ago there were 142 REITS with a market value of $16 billion. Today there are 210 REITs with a value of $141 billion. Experts forecast that at current growth rates, within a decade REITs will reach a market value of $1.3 trillion.

B. WHAT ARE PAIRED-SHARE REITS?

In the 1980s certain REITS began pairing their shares of the REIT with those of the management company. For each share of the REIT received by the investor, they also received one share of the management company. Pairing these shares creates significant benefits because the same shareholders derive all of the profits from operations related to the real estate owned by the REIT.

C. CONGRESSIONAL ACTION

Because of several concerns about the paired share structure, including the fact that it could cause an artificial reduction in tax liabilities attributable to the income associate to management of properties, Congress took action in 1984 to ensure that the two structures would be treated as one for purposes of applying the REIT gross income tests. However, in this legislation, Congress considered the impact on the companies that had already adopted the paired-share REIT structure. Consequently, these existing entities were grandfathered, with the acknowledgment that they would need additional time to "unwind" in the effort to meet the standard gross income tests.

Historical discussion language indicates Congressional intent:

"Congress did not intend to eliminate the corporate tax on the portion of an active business' income that arises from the ownership of its real estate."

"Congress believed that to permit the use of such a transparent device would have weakened the integrity of the tax system."

"Congress believed that all stapled entities should have adequate time to remove the requirement that shares trade in tandem . . ."

D. THE COMPETITIVE BENEFITS OF PAIRED-SHARE REITS

Although supporters of paired-share REITs argue they have no benefit over competitors within their industries, indications are to the contrary. Specifically, this structure provides significant benefit because it eliminates the sometimes adversarial relationship between the REIT and the management company. If both entities have the same group of shareholders, there is no friction over who should realize the benefit of profits.

Second, the shifting of income between the two entities can have a significant impact on the tax liability attributable to profits. There are a number of ways this can be accomplished whether through rent payments, or shifting other overhead expenses.

Third, the structure of paired-share REITs enables these entities to avoid the double taxation of income from real estate, a benefit not realized by non-paired-share REIT competitors in certain markets. Again, tax liabilities are minimized and profits are significantly increased for shareholders.

This unique business structure has made them particularly attractive to investors, thereby giving them more advantageous access to capital.

Rather than making movements to "unwind" or adjust their structure in anticipation of having to comply with standard REIT gross income tests, since 1995, a majority of the grandfathered entities have expanded aggressively.

Again, while today's paired-share REITs argue they have no real advantage over the traditionally structured corporations against whom they compete, their behavior indicates otherwise. Not only have some of the grandfathered REITS publicly discussed their advantage in an effort to attract investors, they have also stated in the past that they originally purchased the paired-share REIT, not for the line of business that it was participating in, but because they wanted the paired-share structure which provides unique, advantageous opportunities in certain markets.

III. THE REAL ESTATE INVESTMENT TRUST EQUITY ACT

Mr. Speaker, because the REIT market continues to expand aggressively, Congress must take action to ensure that the grandfathered REITS are not enjoying tax based advantages, to the detriment of other businesses competing within the same industries. The legislation I introduce today levels the playing field by further clarifying the intent of Congress expressed in the Deficit Reduction Act of 1984. My legislation simply states that paired-share REITs must comply with the standard gross income texts applicable to all REITs, contained in section 856 of the Internal Revenue Code. Federal tax policy must be consistent so that it does not favor one competitor over another within industries. This important legislation ensures equitable tax policy so that one group of investors does not have a significant benefit over their competitors.

COMMENTS ON WORKFORCE DEVELOPMENT BY EDWARD RENDELL, MAYOR OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. FATTAH. Mr. Speaker, at a Town Meeting I convened in Philadelphia on March 10, the Mayor, Edward Rendell made the following remarks which I commend to my colleagues.

Mayor Rendell: Good morning. Congressman. Good morning, members of the Panel. Let me just start out by saying that there is no issue as important to the future of the City as workforce development. We are a City that has currently 66,000 families on AFDC. We are a City that will face an enormously difficult problem because as those families begin to phase off of welfare, it will be required by the Welfare Reform Act of 1996 to have jobs or lose any support whatsoever beginning in March of '99 and going through the year 2000.

We will find that with what is essentially a labor surplus market, we will not be able to accommodate, in my judgment, somewhere between 35 and 40,000 of those families. So by the year 2000, we will have in Philadelphia, a situation that hasn't occurred, in my judgment, since the Great Depression. It will not just be in Philadelphia. It will be Detroit. It will be in Newark, Baltimore, even cities like Seattle that are considered to be cities that are economically viable and not labor surplus markets.

The U.S. Conference of Mayors did a press conference and a report based on a survey in 17 cities and each city reported, in differing degrees, the same problem that I'm going to address. And it is a shocking problem that nobody is paying any attention to. I don't say nobody because you are all here, but very few people are paying any attention to it in Washington, D.C. When I had the press conference, myself and Mayor Archer had this press conference on how we viewed welfare reform and where it was going. Only CNN showed up.

About a month and-a-half later, I was in Washington at the U.S. Conference of Mayors, and myself and four other mayors were chosen to speak after our visit to the White House, and I noted that the CBA Network had 33 camera crews in Washington that week all covering various aspects of the Monica Lewinsky problem. To me, one of the greatest problems we have as a nation is that we can't get our news media to concentrate on serious issues that affect the bread and butter and really not only the quality of life but the very lives and survival of people themselves.

Now, let me tell you how I get to the 35 to 40,000 range. We believe the normal evident flow for the private sector, and the normal entry an coming off welfare, will cause 10,000 of that 66,000 to come off the rolls before the year 2000 is done.

Additionally, as you know, Congressman, myself, Mayor Archer, and Mayor Rice of Seattle were an integral part of persuading both the Administration and the Congress to appropriate additional dollars for a jobs bill for welfare recipients. As you will recall, you appropriated $3.1 billion to be administered over a two-year period. And that was certainly positive news, but one of the things that I want to recommend to you again is that you go back an tell your colleagues that that is not nearly enough money to do this job correctly, and that if we really care about welfare reform and putting former recipients of welfare on the work rolls, that we have to spend more than $3 billion.

I would reference in 1996, the Congressional Budget Office did a study which said that the Welfare Reform Act of 1996 was $12 billion short in the necessary funds to adequately transition people from welfare to work. Unfortunately, no one listened at that time. The President said he would try to cure those defects afterwards and in part, he did with his $3.1 billion jobs bill, but my experience leads me to believe that the $12 billion estimate made by the CBO in the summer of 1996 is probably 50 percent less than is needed.

I think if we are really serious about welfare reform, if we were really serious about ending welfare as we know it, we have to spend money. If you look at the individual states that have had the most success in workforce development and transitioning people from welfare to work and doing all the things that are necessary components of that, training, job skills, literacy in many cases, adequate child care, transportation, addressing all of the needs, those states spent actually more money in the first several years of their reform effort than they did in their traditional welfare systems. They spent the money up front so that down the road, they would spend less money because people would be successfully transitioned from welfare to work.

So I think we will find that the money that's been appropriated by Congress at the President's request is far too little. For example, in the next month, we will release our plans for using that federal money. That federal money, with the state match, and the state did in fact give us the necessary match, that will make somewhere between $51 and $55 million available for the next two years in Philadelphia. We are going to release our plans on how we are going to spend that money but the bottom line is that if we are successful, if we reach our goals, that will give 15,000 people the type of employment necessary, either full-term employment, 40 hours a week plus, or the 20-hour a week employment that's necessary to keep them receiving benefits at the same time.

So if you take our 15, the 10 that will come from the normal evident flow, we're down somewhere in the high 30's, 35, 38 thousand families, heads of households with children, will not find jobs in Philadelphia. And I don't know what is going to happen to those individuals. You have to realize that that's not a surprising outcome because we are truly a labor surplus area.

As you know, Congressman, Philadelphia was losing jobs at a debilitating rate. For the last nine years, we averaged a loss of 10,000 jobs a year from Philadelphia. Over a course of 11 years, we lost over 100,000 jobs from our job base. It is only in the last year and three-quarters we've now had seven-quarters straight of job gain, but those job gains are modest probably cumulatively less than 4,000, less than 4,000. While it is true that there has been some job growth in our suburban corridors, there are maybe 15 job growth centers that we've identified in the suburbs. They've added another 20,000 jobs into the mix. So we've created 25,000 new jobs.

The problem is that in addition to the 38,000 families that are going to be unaccounted for that I mentioned, we have 45,000 displaced workers on the unemployment rolls here in Philadelphia. Those are the workers from the Navy yard. Those are the workers from Breyers. Those are the workers from the Meridian/CoreStates merger, soon to be the CoreStates/First Union merger. Those are workers with job skills and job experience. So our 38,000, or to be honest, our 66,000 are competing against those 45,000 who are better skilled, better trained, better experienced.

Additionally, there are some 40,000, single males that are out there looking for jobs as a result of state changes in welfare. On top of that, each and every year, we have a new class of high school graduates that come into the job place. And the numbers don't add up. They don't add up in Philadelphia. They don't add up in Detroit. They don't add up in Atlanta. And they don't even add up in Seattle because when you put all those people into the mix looking for jobs, almost all of them were better educated, better trained, and have more work experience than the AFDC heads of households. You can see the problem we have created.

I heard a little bit of your earlier panel and I know that it is easy in Washington to say that welfare reform is a success, that in the 13 or 14 months since welfare reform has been the law, we've knocked 15 percent of the people off the rolls. Well, of course as we know, a good hunk of that 15 percent are people who were smoked out who really didn't belong on the welfare rolls. Then my guess is the other half of that 15 percent were the cream of the crop, were people that were on the welfare rolls but had recent job experience who had some skills, who were totally and functionally literate.

You go deep within the mix of our 66,000 heads of households here in Philadelphia and you will find people shockingly, and it's the reason why we all agreed that there had to be change, but shockingly who have never worked in their life, who don't have one day's worth of work experience. You will find people, when you go deep into the rolls, who are functionally illiterate. As we all know, the necessary job skills in the moderate economy simply won't accommodate those type of people.

It used to be, not very long ago, ten years ago, you could be a cashier in most retail stores if you could learn to punch one button on the cash register and make change, but now, go into any retail store, small, or large, and you virtually have to run a mini computer to be a retail clerk, to be a cashier.

The necessary job skills are changing so quickly that we are kidding ourselves to think that we can change a system that has been in existence for decades and that simply doesn't work to fit the needs of Welfare-to-Work. For example, let's take child care. We basically have a child care system that is 8:30 to 5:30 because that's been the needs of the working parents, 8:30 to 5:30. But if you look at the jobs wanted in the entry level or the type of jobs our welfare recipients can hold, many of them are for weekend and night work. And there's virtually no child care available in the evenings or weekends in Philadelphia.

Now, let's talk for a second about these suburban growth centers. There are 15 of them and only two are near public transportation, traditional public transportation where someone from Philadelphia can take the subway down to Suburban Station and get on a commuter train and go out and wind up close enough that they can walk to the job centers. Thirteen of them are far enough away that you simply can't get there from here if you don't have a car. And of course, almost none of our current AFDC welfare recipients have vehicles. So not only are we going to spend a chunk of that $51 million creating van pools and things like that to get our people to suburban job centers, but I heard you, and I know this isn't the main thrust of this hearing, but to not re-enact ISTEA without significant funds in there for Welfare-to-Work transportation programs.

As you know, Senator Specter and Senator Santorum have combined to put an amendment to the ISTEA reorganization bill in the Senate upping those dollars from $100 million that the Administration has put in their budget, to $250 million, and I would urge that is an absolutely essential step. If we're serious about what we're trying to do there, and in all due respect, this is not a reflection on Congressman Fattah or any of the Congressmen who are represented here, but if we're serious about trying to get people from welfare to work, we can't do it cheap. We have to spend money for transportation. We have to spend money for child care. We have to spend money for job training. And most of all, we have to spend money to help create jobs whether they be transitional jobs in the public sector whether they'll be subsidizing job growth in the private sector. Whatever it is, we have to touch every element of that, and we better do it fast.

In sum, if we do all of our jobs well, we're going to fail to be able to place well over 50 percent of our current caseload of welfare recipients and that is a pattern that you are going to find is going to happen all over the country. It is a freight train coming down the tracks going to hit us right smack in the forehead.

I would make two long-term recommendations, and I make them with the full knowledge that these may be difficult for you,

Congressman, or the Congressmen represented here, may be difficult for us to get enacted, but number one, I would urge legislation to extend the deadline. I think the two-year deadline is just going to prove to be unworkable. We're not going to be ready to have job opportunities, child care, transportation to meet the needs of most of those AFDC families. So I would urge a year or two or three-year extension in the cutoff.

TRIBUTE TO THE NASHUA LIONS CLUB

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. BASS. Mr. Speaker, I rise to pay tribute to the Nashua Lions Club on their 75th anniversary.

Eighty-one years ago, insurance executive Melvin Jones and his fellow Chicago businessmen formed the Lions International. The group was created to focus on humanitarian acts of service.

Several years later, after Hellen Keller challenged the Lions to become her "Knights of the Blind," William Hillman, Jr., and former Mayor Alvin Lucier established the Nashua Lions Club. Since being chartered in 1923, the Nashua Lions have not only heeded Hellen Keller's call, but have lived up to their motto "We Serve" by making Nashua a better community and improving the lives of those who live there.

After 75 years of hard work and selfless devotion, the Nashua Lions Club have raised and returned over $750,000 to their community. But the true measure of their impact on Nashua is not in the dollars they have raised, but in the lives they have touched.

Most notably, the Nashua Lions have dedicated substantial time and resources to building projects designed to assist handicapped individuals. Under the leadership of former Mayor Mario J. Vagge, the Nashua Lions built the "Friendship Club" for the handicapped, and under the direction of past President Rich Nadeau, they constructed "Melanie's Room" for a handicapped young girl.

Responding to Hellen Keller's challenge 77 years ago, the Nashua Lions have also worked closely with the Nashua school nurses to provide free eye exams and eye glasses to needy area students. They have spent over $30,000 in the last 25 years to buy new eye screening machines for Nashua schools.

Aside from their numerous community and charity efforts, the Nashua Lions have also provided leadership to the entire Lions International organization. During their 75-year history, the Nashua Lions proudly have produced two District 44-H Governors, Joseph J. Bielawski from 1983 to 1984, and Edward Lecius this year for their diamond jubilee.

Mr. Speaker, the Nashua Lions exemplify America's charitable spirit. Their leadership, compassion, and hard work have helped make the Gate City a wonderful place to live. I rise to express my thanks and congratulations for 75 years of caring and devoted service.

THE MANDATES INFORMATION ACT OF 1998

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Mandates Information Act of 1998. This bill is similar to H.R. 1010, the Mandates Information Act of 1997, which I introduced on March 11, 1997. The bill is introduced as a follow up to the success we have had with the Unfunded Mandate Reform Act.

As you are aware, the Unfunded Mandate Relief Act required the Congressional Budget Office to estimate the cost of unfunded mandates a bill would place on both local governments and the private sector. These cost estimates are required to be included in the committee's report which accompanies a bill reported to the House.

The law also established a point of order procedure for bills which contained a mandate on local governments exceeding $50 million. The Mandates Information Act of 1998 will establish a similar point or order procedure for bills containing a unfunded mandate on the private sector in excess of $100 million.

The changes reflected in the Mandates Information Act of 1998 have been made at the behest of the Rules Committee Chairman and Vice Chairman with the commitment to move this important piece of legislation forward. I look forward to participating in a hearing on these changes later this week followed by a full and open debate on the bill before the full House in the near future.

DE COLORES MEXICAN FOLK DANCE COMPANY

HON. ESTEBAN EDWARD TORRES

OF CALIFORIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. TORRES. Mr. Speaker, earlier this month I was witness to a most dazzling and energetic dance ensemble at their inaugural performance at the Kennedy Center for the Performing Arts. This Washington, D.C. based dance company has received broad acclaim at major performances including the Presidential Inaugural's "American Journey" at the Smithsonian, and a near sellout concert performance commemorating Mexico's "day of the dead" at the Gunston Community Arts Center Theater.

De Colores Mexican Folk Dance Company is unique in the area for its commitment to preserving and presenting the authentic, rich and varied interpretations of Mexican dance, music, and costumes. Their vision is to establish an Instituto de Danza for children and adults in the nation's capital to teach and train a future generation of artists. Performances are intended to foster greater understanding about Mexican art, history and culture. Members receive rigorous training, tutoring and performing opportunities, and are encouraged to strive for the highest standards in Mexican folkloric dance interpretation.

Company General Director, Adriana Martinez, a former Capitol Hill staff assistant, began performing professionally at the age of 21 with the Ballet Folklorico de Stanford under the tutelage of master instructors Susan Cashion and Ramon Morones. She joined forces with the principal dancer and Co-Director Enrique Ortiz, former Director of Los Tapatios, to form De Colores Mexican Folk Dance Company in 1996. Principal dancers and several of the founding members each brought with them years of experience teaching, directing, performing, and training. Other Capitol Hill staffers performed traditional dances of Mexican regions highlighting Veracruz, El Norte (Chihuahua), Tamaulipas (Huasteca), and Region Jalisco. The company is composed of beautifully attired women: Constance Chubb, Gloria Corral, Guadalupe Jaramillo, Rocio Jimenez, Irene Macias, Irma Martinez, and Alma Medina. Along with male partners: Maximo Galindo, David Garcia, John McKiernan Gonzalez, Joseph Lukowski, Geoffrey Rhodes, and A. Santiago Alvarez.

Mr. Speaker, the De Colores Mexican Folk Dance Company brings to our nation's capital a rich contribution of Latinos in the arts and humanities visible through their unique art form. I ask colleagues in Congress assembled to wish them great success as they move forward with our vision to educate children about Mexican culture and heritage through traditional folklore.

UPON INTRODUCTION OF H. CON. RES. 249 RESOLUTION TO EXPRESS SENSE OF CONGRESS THAT THE VA SHOULD RECEIVE PROCEEDS FROM ANY TOBACCO SETTLEMENT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. EVANS. Mr. Speaker, the proposed settlement between major tobacco companies and various states will receive much attention by the Congress in the coming session. With so much money and emotion wrapped up in one issue, it is anybody's guess how Congress will finally try to resolve this highly contentious issue.

But no matter how Congress ultimately decides to address this issue, there is one group of Americans that cannot be left out of any tobacco settlement—our nation's veterans.

I share the Administration's view that we should make it a major public health priority to reduce cigarette smoking and nicotine addiction, in part through establishing significant constraints on the ability of tobacco companies to continue to engage in deceptive and deadly marketing practices. A responsible, comprehensive tobacco settlement may be the best way to achieve this goal.

But while the Administration has assumed our federal government will collect over $65 billion in proceeds from any tobacco settlement, its Fiscal Year 1999 (FY 99) budget fails to earmark any settlement money for the Department of Veterans Affairs, the federal agency that spends over $4 billion each year providing health care to veterans suffering from tobacco-related illnesses.

If anybody deserves to be protected under the terms of a tobacco settlement, it is our nation's veterans, many of whom became addicted to nicotine while in service to our nation.

As the resolution I am introducing today spells out in greater detail, tobacco companies and our federal government facilitated—if not encouraged—cigarette smoking in the military. From the time of the Civil War until 1956, the Army was required by law to provide a cheap and nearly endless supply of tobacco to its enlisted men. The Air Force still has a similar law on the books. Cigarettes have been distributed free of charge to members of the Armed Forces as part of their so-called "C-rations." As many as 75 percent of our World War II veterans began smoking as young adults during the course of their military service.

Labeling requirements warning of the dangers of nicotine and tobacco usage did not become mandatory for products distributed through the military system until 1970, five years after such a requirement was made applicable to the civilian market. Tobacco products are still sold by military exchanges at substantially discounted rates, thus actively encouraging tobacco usage by military personnel and their dependents. "Smoke 'em if you got 'em" has been a watchword of the military culture for years.

Given this historical backdrop, it should hardly be surprising that many veterans developed an addiction to nicotine in large part because our government and the tobacco companies made cigarettes so accessible and easy to smoke during their military service.

But while our public servants have correctly criticized the tobacco companies for preying on millions of Americans with their highly manipulative marketing practices, the Administration's proposed budget leaves the Department of Veterans Affairs and our veterans to fend for themselves in dealing with tobacco-related illnesses that haunt a substantial portion of our nation's veteran population. And while many would agree that millions of Americans were victimized by misleading advertising and deceptive marketing practices that led them down the path to addiction, the Administration's message appears to be that our veterans should have known better.

The resolution I have introduced today attempts to send a message that the Congress is not prepared to leave our veterans behind. The Department of Veterans Affairs should receive substantial amounts from any tobacco settlement so that it will have sufficient funds to meet the needs of our veterans suffering from tobacco-related illnesses.

This resolution has already received support from most major veterans service organizations, including the Veterans of Foreign Wars (VFW), the Paralyzed Veterans of America (PVA), the Vietnam Veterans of America (VVA), the Fleet Reserve Association, the Blinded Veterans Association, and the Military Order of the Purple Heart.

I am also pleased that Representative CHRISTOPHER SMITH (R–NJ), the Vice-Chairman of the House Committee on Veterans' Affairs, has joined with me to introduce this bipartisan, common sense resolution. Congressman SMITH's leadership on this issue is indicative of his long-standing commitment to our nation's veterans, and I welcome his support.

I urge all Members to join me in co-sponsoring this extremely important resolution.

SUPPORT GROWS FOR CREDIT UNIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1998

Mr. KANJORSKI. Mr. Speaker, my colleague, Mr. LATOURETTE, and I are pleased to announce that support for H.R. 1151, the Credit Union Membership Access Act, continues to grow. Below are the thirty-first through fortieth of the more than 100 editorials and columns from newspapers all across our nation which support giving consumers the right to chose a non-profit, cooperative, credit union for their financial services.

Surveys have consistently shown that consumers strongly support the value and services they receive from their credit unions. That is why the Consumer Federation of America endorses H.R. 1151, the Credit Union Membership Access Act.

A bipartisan group of more than 190 Members from all regions of our country, and all parts of the political spectrum, are now cosponsoring the Credit Union Membership Access Act. We should pass it quickly so that credit unions can stop worrying about their future and return to serving their members.

[From the Des Moines Register, Mar. 7, 1998]

BANKS VS. CREDIT UNIONS—BOTH SIDES HAVE EXAGGERATED THE THREAT—THERE SHOULD BE A PLACE FOR BOTH

Next week, Iowa Congressman Jim Leach has scheduled hearings on whether Congress should act in response to the U.S. Supreme Court's Feb. 25 ruling regarding credit-union membership. Leach had better wear his hard hat.

The court case is part of an increasingly acrimonious debate as banks battle to prevent credit unions from eating into their market.

The banks, which pay hefty taxes, say credit unions, which don't, have an unfair advantage. That advantage might be acceptable for the classic mom-and-pop credit union, but bankers are alarmed at the growth of huge credit unions like the John Deere Community Credit Union in Waterloo with more than $385 million in assets and a full array of financial services offered to 77,000 members.

Credit unions, in response, point out that at best they still have a slender 6 percent slice of the total market pie nationally, while banks have 77 percent. In Iowa the ratio is something like to 88 to 5. As for the tax disparity, credit unions note that, unlike banks, they have no profits on which to pay taxes. Credit unions return all profits to their members, who pay taxes on their earnings. In fact, some Iowa banks are now switching to that very taxing scheme under a new state law.

Although these issues are not central to the question that prompted Leach's hearing, they are what drove the bankers to bring suit against federally chartered credit unions. The suit challenged recent interpretations of federal law that have allowed credit unions to broaden eligibility for membership.

The Supreme Court, in its Feb. 25 ruling, came down on the side of the banks: Federal law says there must be a "common bond" between employee groups belonging to a credit union, and the National Credit Union Administration has been reading the law too liberally by allowing federally chartered credit unions to sign up any employee group that walks in the door.

Only five of the 212 credit unions in Iowa are federally chartered; the remainder are chartered under state law, which requires a common bond among employee groups. But, while this ruling may not have direct consequences here, Iowa credit unions see the bankers' Supreme Court victory as the possible leading edge for other victories by the banks.

Credit-union advocates see this as a life-or-death struggle and suspect the bankers' ultimate aim is to destroy credit unions. That's a bit of an exaggeration, though the bankers have done themselves no favors with their own exaggerations of the credit unions' potential threat.

While most credit unions hardly pose a serious threat to banks, the bankers have a good argument about the phenomenon of a few giant credit unions that have morphed into full service institutions that look an awfully lot like banks. As long as those operations continue to grow, they make an attractive target for banks and other financial institutions looking to curb credit unions.

Whatever legislation emerges from Congress should ultimately aim to assure the banks of a fair shake and to leave the credit unions intact.

Credit unions have for 80 years served a vital function for millions of Americans by offering services to their members that are not offered by banks. They still serve a vital function today.

[From the Cincinnati Post]

CREDIT FOR CREDIT UNIONS

Credit unions, which have been helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress.

If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

Congress established credit unions as nonprofit cooperatives in 1934 chiefly for poorer people left out of the loop by banks. It required that members have a "common bond," such as being employees of the same company.

The formula worked fine until the late 1970s, when the disappearance of large manufacturing plants and other economic changes began robbing the credit unions of members. A federal agency then said a credit union could include a multitude of groups in its membership in order to maintain a sufficiently large operational base.

The commercial banks yelped. What's more, they sued. They maintained that the federal agency, the National Credit Union Administration, had misconstrued the law, and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year

or early next. If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions.

Banks say the competition from the credit unions is unfair because they don't pay taxes. It's true that, as non-profits, the credit unions don't have profits to pay taxes on. Members do pay income taxes on any dividends.

If the credit unions lose in court, Congress could come to the rescue with just a slight change in the 1934 law's wording about "common bonds."

You would think many would support the amendment. After all, 70 million Americans belong to credit unions, and that's a lot of voters.

It's possible that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions.

The banks would not seem to be at much of a disadvantage economically, after all.

[From the Louisville Courier-Journal, Sept. 15, 1997]

BANKERS SHOULD QUIT BULLYING WORKERS' CREDIT UNIONS

With America's banks raking in record profits, you'd think that bankers would have little to complain about. But you'd be wrong.

At the annual convention of the Kentucky Bankers Association in Louisville last week, the president-elect of the American Bankers Association and the president of America's Community Bankers worried aloud about the growth of credit unions and a sharp rise in personal bankruptcies.

Their concern about bankruptcies is valid. Federal laws make it too easy to declare bankruptcy. If bankruptcy were more painful, fewer people would resort to it, and, instead, would struggle to pay their creditors.

(Of course, if banks and other lenders were more careful about extending credit, fewer potential deadbeats would have a chance to get deeply into debt to begin with:)

The verbal volleys against credit unions were less persuasive.

Yes, credit unions have grown rapidly, and as non-profit institutions they don't pay federal taxes. This irritates bankers.

But the reason credit unions have grown is because they serve an important function in our economy. They help a lot of workers buy cars or finance college education—including workers who might find it hard to get a bank loan for the same purposes, at least not one at an affordable interest rate.

The banks and the nation's credit unions are battling it out in the courts and in Congress:

For the moment, the bankers have the upper hand, thanks to a federal appeals court ruling that has stalled the industry's expansion.

But the Supreme Court will hear an appeal of that ruling soon, and Congress could make the legal battle moot by changing the law governing credit unions.

If the credit unions win, you'll hear more grumbling from bankers about unfair competition.

But they'll be crying all the way to the bank. Profits, we suspect, will remain robust.

[From the Evansville Courier, Mar. 5, 1998]

CREDIT UNIONS HAVE REMEDY TO SETBACK—LAWSUIT THREATENS NEEDED INSTITUTIONS

The U.S. Supreme Court has ruled that a 1934 law that permitted the creation of credit unions also prohibits any single one of them from getting its members from different companies in different industries. The decision is a setback to a consumer-friendly institution, but nothing that a 1998 law couldn't or shouldn't fix.

Congress decided to allow credit unions during the Depression so that workers who couldn't get loans from banks would have someplace to turn. Credit unions are nonprofit cooperatives, and that has enabled them to skip taxes, operate cheaply and keep interest rates on loans down. But Congress also set limits on them, insisting that members have a common bond, such as the same occupation or the same workplace. Many credit unions have been ignoring that restraint since a 1982 reinterpretation of the law by a federal agency. That agency ruling was probably necessary to keep credit unions thriving. For a variety of reasons, many places of business were declining in size, meaning that some of them individually did not have enough employees to support a credit union.

The ruling rankled banks, though. They have not liked this expanding competition, especially when the competition has not been paying taxes like they have been. It was a lawsuit brought by banks that led to the Supreme Court decision. While it's true that the bankers who brought this suit say they will not move to have current members kicked out of their credit unions, it's also true that no institution that remains valuable to many millions of people ultimately could be endangered by an incapacity to grow and serve those who need it most. There's nothing intrinsically unconstitutional or unfair about exempting organizations from taxes if they have forsaken profits, and there's certainly room in this economy for this particular alternative to banks.

Locally, credit union officials have been scrambling to explain to customers the implications of the ruling. One is that it has no impact on community—(such as the Warrick Federal Credit Union) or state-chartered credit unions. John McKenzie, president of the Indiana Credit Union League, said Congress should make sure the banking industry does not get in the way of people's access to credit unions.

Obviously, a new law should not give credit unions carte blanche to operate any way they choose, but it should relieve them of some of those 1934 restrictions.

[From the Palm Beach Post, Mar. 17, 1997]

TELL BANKS TO BACK OFF

Credit unions fill just a tiny niche in American banking, but their members appreciate them. Why, then, are bankers attacking credit unions every way possible?

The House Banking Committee is holding hearings on whether federally chartered credit unions should be allowed to recruit members outside limited groups with a "common bond." Banks are fighting the change in Congress and in the courts. The Supreme Court will hear a bank-inspired case that could end with credit unions having to drop 20 million members.

You don't join a credit union to finance a 40-story office tower. But you can still get a $50 loan there, as people have been doing since the 1930s. Credit unions are not-for-profit. They don't pay most taxes, so they can charge less interest than banks for loans.

Credit unions hold 6.8 percent of all banking assets nationally, 7.5 percent in Florida. The percentages are up since 1980 from 3.6 percent and 3.5 percent respectively, but they came at the expense of savings and loans. For-profit banks pulled in more assets of former S&Ls than credit unions ever did.

The typical credit union was set up by employees of a big company. As large companies shrank, unions served ex-employees and recruited outside the fold to stay afloat. The Florida Legislature loosened the "common bond" rule for state-chartered credit unions in 1982 to allow that. Now banks are acting as if they are losing $100 bills to credit unions, not nickels.

A decade ago, the banks were hurting. Corporations found ways to handle their own money. Big depositors switched their checking to their brokers. But the banks roared back. They are doing so well that if you are not looking to finance a 40-story office tower, they give the impression that you should deal with their machines and not waste their employees' time.

Merging and expanding banks are classic cases of a business in need of discipline by market competition. The credit unions are hardly a threat. But they hang in. Smart lawmakers in Washington and Tallahassee will do nothing to make it harder for them.

[From the San Francisco Examiner, Oct. 27, 1997]

GOLIATH VS. DAVID FOR SMALL BUCKS—BANKS WAGE A HARSH CAMPAIGN AGAINST INCREASINGLY POPULAR CREDIT UNIONS

The nation's banks should drop their mean-spirited campaign to clip the wings of 12,000 credit unions. The banks would do better to emulate some of the credit unions' people-friendly policies instead of dreaming up new ways to extract fees from their hapless customers. (We are braced for the spread of the $3 charge for using the services of a human teller.)

Nonprofit credit unions have grown hugely popular by offering a break on limited financial services to members under terms of a 1934 federal law. They pay interest on insured deposits and earn interest on loans to members at competitive rates. The members ordinarily share some link like working for the same employer or belonging to the same church. Credit unions were created during the Depression to serve individual savers, who were of little interest to the major banks. This is still part of their function, as when a black church sponsors one in a neighborhood the big banks have deserted.

While some credit unions have substantial assets, their collective market share hovers around 2 percent—nothing for the bankers to worry about. But the banks are arguing before the U.S. Supreme Court, and in a separate lawsuit in the District of Columbia, to overturn the National Credit Union Administration on loosening "affinity" standards for credit union membership. Another fight over credit union rules proceeds in Congress. Both sides are waging public relations campaigns.

The credit unions are valuable as a tiny check on the financial power of the major banks and as a reminder to them that consumers value decent treatment in the conduct of their financial affairs, however modest. If credit union membership nationwide grows beyond the present 70 million thanks to more generous interpretations of who can join, it will be because more people cherish that alternative to the average cold-blooded bank.

[From the San Diego Union Tribune, Mar. 2, 1998]

THE CONSUMERS' CHOICE—CONGRESS SHOULD NOT RESTRICT CREDIT UNIONS

The long-running battle between commercial banks and credit unions didn't end last week when the U.S. Supreme Court ruled that a Depression-era law places strict limits on the membership of credit unions.

The 1934 Federal Credit Union Act, which established credit unions because banks were perceived as ignoring the needs of low- and moderate-income Americans, limited credit union membership to "groups having a common bond of occupation or association, or groups within a well-defined neighbor-hood, community or rural district." But in 1982, responding to a wave of corporate reorganizations and downsizing that threatened existing credit unions, the National Credit Union Administration expanded membership beyond the single-company, single-community confines. It is this expansion that the Supreme Court, in a 5–4 decision in a case from North Carolina, said was in violation of the 1934 federal law.

Anticipating the Supreme Court decision, the Credit Union National Association asked Congress last year to consider legislation to allow federally chartered credit unions to maintain their expanded membership base.

Credit unions operate on a not-for-profit basis. They pay no taxes and tend to offer lower-cost loans and higher earnings for savings. They also tend to charge fewer and lower fees than commercial banks. But the commercial banks say credit unions' not-for-profit status creates an unfair competitive advantage.

Bankers have reason for concern. Since the 1982 regulation took effect, credit unions have rapidly expanded their membership. Last year, 72 million Americans belonged to credit unions, double the number in 1991. California alone has 735 credit unions, of which 340 are federally chartered and will be directly affected by last week's Supreme Court ruling. Although banking industry officials say consumers who currently belong to credit unions will not be asked to give up their memberships, joining a credit union may prove more difficult in the future unless Congress changes the 1934 law.

A bill before Congress to allow credit unions to serve multiple groups deserves approval. Credit union industry observers say it takes several thousand employees to form a credit union. In California, not many employers of this size exist. In San Diego, 95 percent of the work force is employed with firms with 50 or fewer employers.

With Congress set to begin hearings this week on a bill aimed at resolving the dispute between banks and credit unions, both sides already have begun their lobbying efforts. The commercial banks, particularly the smaller community-based banks, have legitimate concerns about rapidly expanding credit unions. But in drafting new legislation, Congress must recognize the realities of America's small-business economy. Americans have shown an increasing preference for credit unions, and consumer choice must be preserved.

[From the Tampa Tribune, Jan. 14, 1997]

NO REASON TO PUNISH CREDIT UNIONS

A financial battle is brewing that warrants consumer attention. The banking industry is putting the squeeze on credit unions in hopes of limiting your opportunity to join one.

If they are successful, banks will have more business for themselves and some credit unions will be put out of business. Although credit unions handle only a small fraction of the nation's savings accounts and consumer loans, banks are jealous of that little share and worry that credit unions will continue to gain customers.

A credit union is a group of people who get together to pool their savings and lend each other cash. They began more than 60 years ago, long before the popularity of checking accounts, credit cards and ATM machines. The Federal Credit Union Act of 1934 allowed people to form a financial partnership if they shared a common bond, such as a single employer or trade group. They were, and still are, run by volunteer boards and do not make a profit, and consequently pay no income taxes.

BANKS HAVE LONG been suspicious of the special relationship credit unions have with their members and the government. The unions have an unfair advantage, banks complain, because they have no taxes to pay and no shareholders to please. Credit unions drew more attention to themselves when some of the larger ones began offering checking accounts, credit cards and mortgages. Because of their lower overhead, they tend to pay higher interest to savers and charge lower interest to borrowers, and banks don't like that.

As the definition of who qualified to join a credit union expanded in recent years, banks filed suit. Last year a federal judge sided with the banks and ordered federally chartered credit unions to comply with a narrow definition of the "common bond" requirement of the 1934 law.

The case is being appealed, but in the meantime Florida credit unions are expecting banks to try to clip their wings too. Florida law is less restrictive in that it does not require members to have a narrow common bond. An attempt is likely this session to make state law as tight as the outdated federal law. If this happened, it would prevent federally chartered credit unions in Florida from switching to a state charter to get around last year's unfavorable court ruling.

The Legislature should resist efforts to change the state law. Credit unions are no real threat to banks; in fact, banks are enjoying record profits. Many of the people served by credit unions would be shunned by banks anyway. How many banks would make a $50 loan? Credit unions make small loans every day.

At the federal level, Congress should not sit idly by while the courts put credit unions into a time machine and ship them back to 1934. Times have changed since then, and so have the needs of consumers.

Congress should take a close look at what has happened under Florida's more modern law. Credit unions have saved consumers millions of dollars in fees and interest; and banks have continued to grow; offering innovative services and sound management.

Credit unions don't want to become banks, and banks certainly have no desire to become more like credit unions. Until someone can identify a problem with these member-owned institutions, they deserve to be left alone.

[From the Goshen News]

GIVING CREDIT TO CREDIT UNIONS

Credit unions, which have been helping people with their financial needs for more than six decades, are themselves in need now. They need to win a legal fight and, failing that, they need some political help from Congress. If they don't get it, the credit unions themselves may no longer be available for millions when they come knocking, and American consumers, especially those of modest means, will have reason to grieve.

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The commercial banks yelped. What's more, they sued. They maintained that the federal agency, The National Credit Union Administration, had misconstrued the law, and a federal judge said the commercial banks were right. The Supreme Court has agreed to hear the case either late this year or early next. If the high court concurs with lower court rulings, some 10 million people will no longer be members of credit unions, and millions more may never get the chance.

That would be a shame because credit unions normally pay higher rates of return on deposits and charge less interest on loans than banks. They tend to be easy and friendly to deal with, partly because the directors are likely to be the consumer's fellow workers. Banks say the competition from the credit unions is unfair because they don't pay taxes. It's true that, as non-profits, the credit unions don't have profits to pay taxes on. Their members do pay income taxes on any dividends.

If the credit unions lose in court, Congress could quickly come to the rescue with just a slight change in the 1934 law's wording about "common bonds." There is some bipartisan support for the amendment, though not exactly a ground swell yet. You would think, at first blush, that there would be more interest. After all, 70 million Americans belong to credit unions, and that's a lot of voters. It's possible, of course, that another number speaks more loudly in the legislative ear: 4.4 trillion, which is the accumulation of dollars the banks have in assets, and more than 12 times the assets of credit unions. The banks would not seem to be at much of a disadvantage economically, after all, although the credit unions may be at a disadvantage politically.